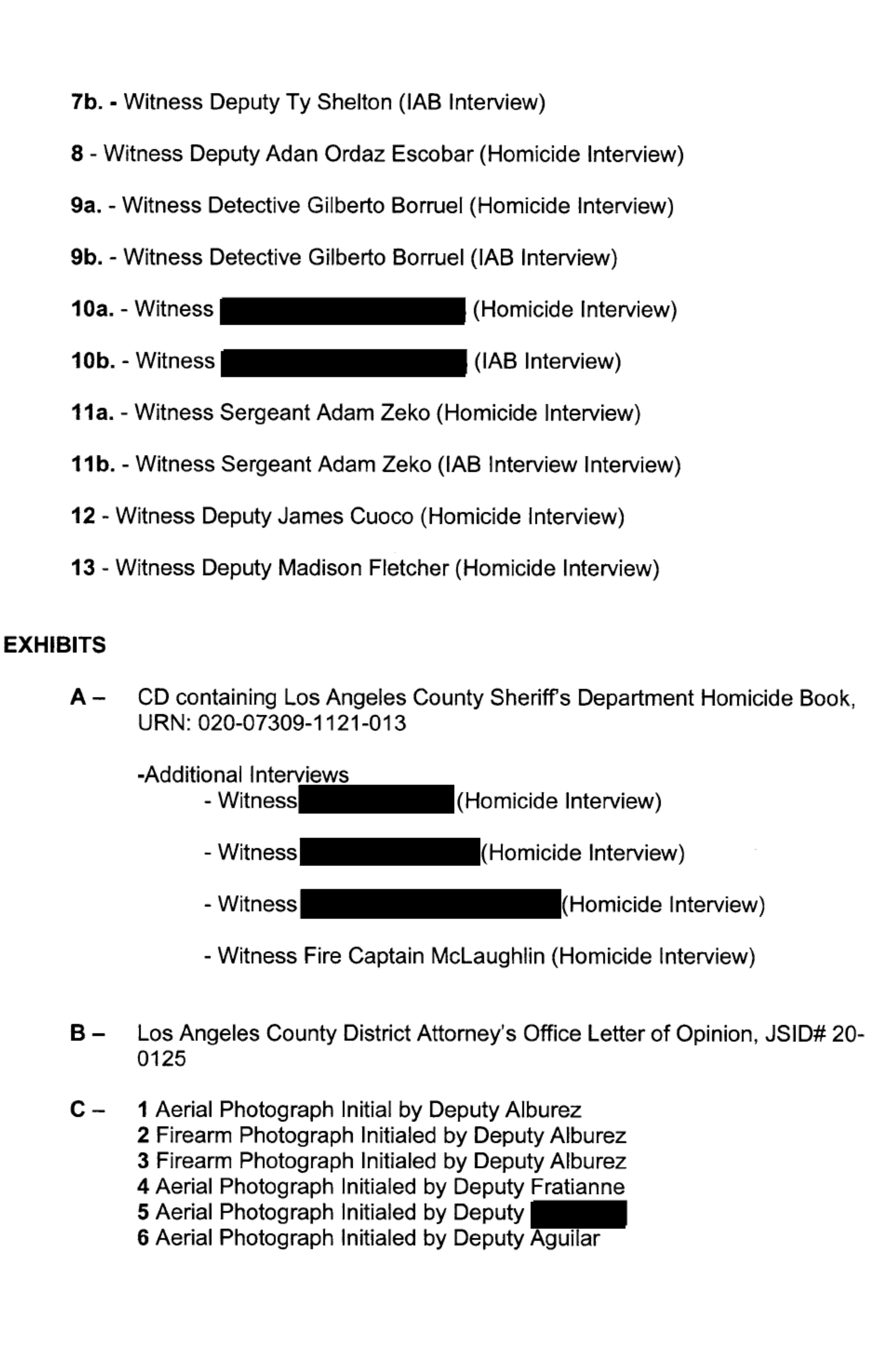
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IAB #SH2507873 / FO2508437



7b. - Witness Deputy Ty Shelton (IAB Interview)

8 - Witness Deputy Adan Ordaz Escobar (Homicide Interview)

9a. - Witness Detective Gilberto Borruel (Homicide Interview)

9b. - Witness Detective Gilberto Borruel (IAB Interview)

10a. - Witness [redacted] (Homicide Interview)

10b. - Witness [redacted] (IAB Interview)

11a. - Witness Sergeant Adam Zeko (Homicide Interview)

11b. - Witness Sergeant Adam Zeko (IAB Interview Interview)

12 - Witness Deputy James Cuoco (Homicide Interview)

13 - Witness Deputy Madison Fletcher (Homicide Interview)

EXHIBITS

A – CD containing Los Angeles County Sheriff's Department Homicide Book, URN: 020-07309-1121-013

-Additional Interviews
- Witness [redacted] (Homicide Interview)
- Witness [redacted] (Homicide Interview)
- Witness [redacted] (Homicide Interview)
- Witness Fire Captain McLaughlin (Homicide Interview)

B – Los Angeles County District Attorney's Office Letter of Opinion, JSID# 20-0125

C – **1** Aerial Photograph Initial by Deputy Alburez
2 Firearm Photograph Initialed by Deputy Alburez
3 Firearm Photograph Initialed by Deputy Alburez
4 Aerial Photograph Initialed by Deputy Fratianne
5 Aerial Photograph Initialed by Deputy [redacted]
6 Aerial Photograph Initialed by Deputy Aguilar

7 Aerial Photograph Initialed by Deputy Ferrone
8 Aerial Photograph Initialed by Deputy Shelton

D – CD-R containing Lancaster Station Radio Traffic
- Dispatch_15_041920_1615-1650_hrs
- L-tac-11_041920_1615-1650_hrs
- Mutual_Aid_1_041920_1645-1900_hrs

E – DVD-R containing Harvest Market CCTV Videos

F – DVD-R containing Crime Lab photographs

MISCELLANEOUS DOCUMENTS

Administrative Rights Force/Shooting Forms (10)

Witness Ordaz Escobar's Resignation Memo

Consolidated Criminal History Reporting System - Lugo Richard

Involved Employees Training Records

Lancaster Station PM In-Service, April 19, 2020

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF PROSECUTION SUPPORT OPERATIONS
JUSTICE SYSTEM INTEGRITY DIVISION

GEORGE GASCÓN • District Attorney
JOSEPH F. INIGUEZ • Chief of Staff
• Director

November 8, 2021

Captain Joe Mendoza
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Richard Lugo
J.S.I.D. File #20-0125
L.A.S.D. File #020-07309-1121-013

Dear Captain Mendoza:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 19, 2020 fatal shooting of Richard Lugo by Los Angeles County Sheriff's Department Deputies Michael Alburez and Vincent Fratianne. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

GEORGE GASCÓN
District Attorney

ALAN YOCHELSON
Head Deputy District Attorney
Justice System Integrity Division

cc: Deputy Michael Alburez, #[redacted]
Deputy Vincent Fratianne, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Richard Lugo
J.S.I.D. File #20-0125
L.A.S.D. File #020-07309-1121-013

DATE: November 8, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 19, 2020, fatal shooting of Richard Lugo by Los Angeles County Sheriff's Department (LASD) Deputies Michael Alburez and Vincent Fratianne. We have concluded that the deputies acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 6:30 p.m., on April 19, 2020. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, the autopsy report, photographic and video evidence, and witness statements submitted by LASD Homicide Detectives Marc Boisvert and Scott Matlock. The report furnished to this office did not include any compelled statements. There was no body worn video of the incident.

FACTUAL ANALYSIS

On April 19, 2020 at approximately 4:00 p.m., two city security guards near the intersection of Cedar Avenue and Lancaster Boulevard in the city of Lancaster confronted Lugo after he threw a soda can through a building window. When one of the security guards questioned him about the incident, Lugo placed a hand in his jacket pocket, said that he had a gun, and threatened to shoot. The guard backed away. Lugo turned, hopped a nearby fence, and fled. The security guards pursued him briefly but stopped after discovering that one of them sustained a laceration while climbing over the fence. Los Angeles County Paramedics were called. One of the paramedics relayed a request for a police response.

LASD detectives Gilberto Borruel and [redacted] responded to the "man with a gun" call. The security guards provided detectives with a physical description of a white male wearing a

dark gray or blue jacket and tan pants who fled on foot northbound on 10th West towards Avenue I. The detectives were also informed that Lugo had placed his right hand in his coat pocket and waved it back and forth as if brandishing a concealed firearm.

Borruel and [redacted] began to search for Lugo along Avenue I. Borruel spotted Lugo standing in front of the Harvest Market liquor store near the intersection of 10th Street West in Lancaster. The two detectives converged on the location. Borruel parked his patrol car and walked towards Lugo in order to speak with him.

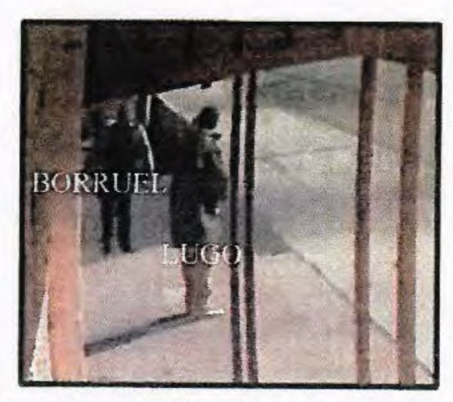


Figure 1: Borruel approached Lugo near the Harvest Market.[1]

Borruel stopped and asked Lugo to approach. Lugo dropped something from his hand, said "Fuck you guys," and ran westbound across 10th Street West.



Figure 2: Lugo ran across 10th Street West after being approached by Borruel.

Upon reaching the other side, Lugo stopped and bladed his body towards Borruel. Lugo then knelt on one knee and adjusted his jacket as though pointing a concealed weapon toward Borruel.



Figure 3: Lugo knelt on one knee on the other side of the street and simulated pointing a firearm under his jacket.

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[1] This still image was excerpted from surveillance video footage retrieved from the Harvest Market.

Borruel, fearing for his safety, requested assistance via radio at approximately 4:33 p.m., stating that he was detaining a possible "417 suspect" (suspect armed with a weapon). Borruel subsequently broadcast that Lugo was putting his hands in his pocket, refusing to show his hands, and simulating a weapon.

Lugo moved further into the parking lot of 1101 West Avenue I in front of the Donut House. The detectives drove their patrol cars across the street. Borruel had his service weapon drawn and aimed at Lugo. A woman in a black SUV stopped her vehicle in a position that obstructed Borruel's line of fire. Borruel yelled at her to move.



Figure 4: Borruel and [redacted] repositioned near Lugo with the black SUV in the background to Lugo's right.

Lugo kept his distance but turned and faced the detectives. He knelt down on one knee and yelled something that sounded like "Mother Russia!"[2] or "Mother Fucker!" He also yelled, "I'm going to fucking kill you!" and "I'm going to shoot you!" [redacted] saw Lugo remove his hands from his pockets, then immediately reinsert them. Both Borruel and [redacted] ordered Lugo to show his hands. Rather than comply, Lugo took his left hand, put it over the pocket shrouding his right hand, and made a movement simulating the drawing of a slide on a semiautomatic weapon.

[redacted] reported seeing Lugo stand up and point at a lady who was seated inside a parked vehicle. Lugo then knelt on one knee again with his hands in his pockets. Lugo stated that he had a gun and would shoot.



Figure 5: Lugo knelt again and appeared to simulate a firearm after the black SUV pulled away.

[2] Both detectives reported hearing Lugo make references to "Russia," or "Mother Russia."

Lugo stood up and ran northwest through the parking lot towards an alley on the north side of the shopping center. At 4:34 p.m., [redacted] broadcast that Lugo was running westbound through the parking lot. Less than a minute later, Borruel broadcast that Lugo was in the alley.[3] The two detectives followed in their patrol cars as other units converged on the scene.

Borruel drove into the alley. Lugo climbed up onto a loading dock. Arriving on scene, Deputy Vincent Fratianne saw Lugo pacing back and forth, fidgeting with his hand, moving his hands towards his jacket pockets, and turning away from deputies.[4] Fratianne's partner, Deputy Ryan Ferrone, heard Borruel order Lugo to remove his hands from his pockets. Per Ferrone, Lugo put his left hand over the opposite pocket and simulated the motion of cocking a gun. Per [redacted], Lugo repeatedly moved his hands in and out of his pockets.

A number of responding units turned from northbound 10th Street West into the alley and moved westbound behind the Dollar Tree. Deputies parked their patrol cars and converged on foot to the loading dock. Deputy Jonathan Lee estimated seeing ten deputies in the area by the time he arrived. From a distance of approximately 200 to 300 feet, Lee saw Lugo reach into his pockets and fail to comply with commands to show his hands. Lee retrieved an AR-15 from the trunk of his patrol car. Lee, along with Deputy Alburez, approached on foot at about the same time.

Deputy Michael Alburez saw Lugo repeatedly move his hands toward his waistband while screaming loudly, "I have a gun! I have a gun! I've got a gun on me! I have a gun![5]" Deputies responded by telling Lugo to calm down and show his hands. Lugo's erratic behavior and sudden hand movements led Alburez to conclude that Lugo was under the influence of a controlled substance. Ferrone heard Lugo say, "I'm going to kill you! I'm going to kill you!"

Per [redacted], Lugo jumped off of one loading dock and onto another. Lugo then jumped over the railing of the second loading dock and ran west through the alley around the corner of the building with approximately nine deputies in pursuit.[6] Alburez noted that when Lugo jumped off the platform, he took a few steps and fell. When he fell, Lugo braced his fall with one hand and kept the other hand in his pocket, leading Alburez to believe that Lugo was maintaining control of a firearm. Lugo got back on his feet and kept running.

Lee said that he and Alburez were in front of the group pursuing Lugo on foot and that they closed distance quickly. Deputy Ty Shelton noted that as Lugo ran, he kept his right hand in his jacket pocket. Shelton heard another deputy yell, "Stop! Stop! Let me see your hand!" Lugo did not comply.

As Lugo rounded the corner of the building, he spun around and faced Lee and Alburez. Lugo bladed his body toward the deputies. Deputies reported seeing Lugo's hand out of his pocket.

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[3] Borruel subsequently broadcast a clarification that it was the alley behind the Dollar Tree. The building was variously referenced in reports as the Family Dollar and the Dollar Tree. In point of fact the store front includes signage for both Family Dollar and the Dollar Tree.

[4] Witnesses noted the presence of a second individual, described as a transient, by the loading docks. Other than happening to be present when Lugo entered the scene, this second person appears to have no connection to Lugo or the incident.

[5] Deputy Fratianne said that Lugo repeatedly, loudly, and angrily stated that he had a gun.

[6] A radio broadcast confirmed that the deputies were in a foot pursuit.

Alburez told Lugo to show his hands and not reach for anything. Lugo responded by shoving his right arm into his jacket. Alburez then told Lugo not to reach for anything but to slowly pull his hand out of his pocket. Per Alburez, Lugo reacted by making a quick jerking movement with his elbow as if pulling a weapon.

Deputy [redacted] was armed with a stun bag shotgun. [redacted] saw Lugo pulling his right hand from his jacket. [redacted] yelled, "Stun bag! Stun bag!" and fired one stun bag round toward Lugo's waist. Shelton, Ferrone, and Adan Ordaz all described the firing of the stun bag round as contemporaneous with Lugo pulling something from his pocket. Lee – who had attempted to transition from his rifle to a Taser – looked up upon hearing the shotgun and saw Lugo curled over slightly. Lee perceived that Lugo was trying to pull a firearm from his pocket. Lee attempted to transition back to his rifle.

Alburez was out in the open with no cover approximately four to six feet from Lugo. Upon seeing the quick jerking movement of Lugo's arm, Alburez feared for his life and determined that firing his service weapon was the only option to protect himself and fellow deputies. Alburez estimated that he fired two to three times.

Fratianne also saw Lugo make a quick motion as though pulling a weapon from his pocket. Fratianne was out in the open with no cover approximately four to six feet from Lugo. Stating that he was terrified that he was about to be shot, Fratianne fired his service weapon. Fratianne estimated that he fired two to three rounds.

[redacted] said that he heard the sound of gunshots fired by other deputies immediately after he fired the stun bag round. Ordaz described hearing three separate sets of gunshots in close succession. Ordaz had his service weapon drawn and his finger on the trigger but elected not to fire because he lacked a clear shot.



Figure 6: Aerial photo above depicts the alley way behind the store. Red arrows to the left depict Lugo's route when entering the alley. Blue arrows to the right depict his movement just prior to shooting. The blue circle depicts the area where shooting occurred.

After being struck by rounds, Lugo fell backwards to the pavement. At approximately 4:36 p.m., a deputy broadcast "9-9-8" (deputy involved shooting).

When the deputies approached, Lugo moved his right hand towards his waist. Deputies intervened to prevent further movement and conducted a pat down search for weapons but found none. Borruel, who had heard the gunfire as he exited his vehicle, responded to where Lugo lay and began administering chest compressions. Other deputies assisted in providing emergency first aid pending the arrival of paramedics from the Los Angeles County Fire Station 33, who took over the administration of aid. Lugo was transported to the Antelope Valley Hospital where he was pronounced dead on arrival.

While Lugo was being assessed at the hospital, nursing staff found a baggie inside his right shoe. The contents of the baggie were subsequently tested by the Los Angeles County Sheriff's Department Scientific Services Bureau and found to contain methamphetamine. A glass pipe of the kind typically used for smoking narcotics was also found in a cigarette pack taken from Lugo's clothing.

Alburez's department-issued Smith & Wesson 9mm Luger semiautomatic pistol was inventoried and found to contain one round in the chamber and 11 live rounds in an affixed 17 round magazine. Based on Alburez's statement that he began the shift with a round in the chamber and a fully loaded magazine, it would appear that Alburez fired six rounds. Frattianne's department-issued Smith & Wesson 9mm Luger semiautomatic pistol was inventoried and found to contain one round in the chamber and 14 live rounds in an affixed 17 round magazine. Based on Frattianne's statement that he began the shift with a round in the chamber and a fully loaded magazine, it appears that Frattianne fired three rounds. A total of nine 9mm shell casings were found in the area where the shooting occurred as well as one expended shotgun bean bag and one expended beanbag shot shell casing. The evidence establishes that two deputies fired a total of nine pistol rounds and a third deputy fired one stun bag round during the engagement.

No ballistics reports were furnished in the report provided by LASD investigating officers in conjunction with this shooting.

On April 24, 2020, Deputy Medical Examiner Scott A. Luzi performed an autopsy on Lugo's body. Luzi concluded that death resulted from multiple gunshot wounds. Twelve gunshot wounds were described in the autopsy report. While not specifically denoting the wounds as fatal, Luzi focused his causative conclusions on three of the 12. The first of these resulted from a round that entered the left side of the chest, traveled front to back, through the heart, and left a deformed jacketed bullet in the back. The round causing the second wound entered through the right side of the back, traveled back to front, right to left and downward, passed through the right lung and liver, and left a deformed jacketed bullet in the right side of the chest. The round causing the third wound entered through the left side of the back, penetrated the left lung, traveled back to front, right to left, upward, and left a deformed jacketed bullet in the left side of the chest. Lugo also suffered gunshot wounds to the lower back, right and left upper extremities, left arm, left forearm, left thigh, a superficial perforating gunshot wound of the chest, and a deep graze wound to the left knee.[7] A toxicology report identified the presence of methamphetamine

[7] The report also opined that the gunshot wound to the left side of the chest may have been a re-entry wound from a bullet passing through the left forearm and that the entrance wound to the left arm was a re-entry of the bullet that caused a superficial perforating wound to the chest.

and amphetamine in Lugo's blood. A relative who spoke with the coroner's investigator confirmed that Lugo had a history of narcotics use.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code § 835a (c)(1)(A) & (B).

A threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code § 835a (e)(2).

In assessing the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, is taken into consideration. Penal Code § 835a (a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for occasions when officers may be forced to make quick judgments about using force. Penal Code § 835a (a)(4).

In evaluating whether a police officer's use of force was reasonable, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations: "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

The evidence in this investigation reveals that Lugo repeatedly behaved in a threatening and erratic manner during the encounters leading up to the use of deadly force. Lugo pretended to have a weapon, claimed to have a weapon, and threatened to shoot and kill peace officers. Lugo resisted all de-escalation efforts. Lugo defied commands to show his hands, alternately displayed them and

concealed them again, and acted as though he possessed and was manipulating a firearm even though he possessed no firearm at the time of the shooting. In the end, Lugo confronted his pursuers at short range by pretending to draw a weapon. Deputies involved in the pursuit reasonably believed that Lugo was armed, intended to cause them harm, and had the present ability and opportunity to kill or seriously injure them. Lugo accordingly constituted a threat of imminent harm in a busy public location during normal business hours. It was a threat that had to be immediately addressed. The deputies opened fire at short range in a tense and rapidly evolving situation that afforded no space for alternative measures. Given the totality of the circumstances, the use of force was reasonable and therefore lawful.

CONCLUSION

We find that Deputies acted in lawful self-defense and defense of others when they used deadly force against Richard Lugo.

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 04/19/2020	Bureau/Station/Facility: North Patrol Division / Lancaster Station	Admin. Invest.? ☐ Hit? ☑

Incident Information

URN: 020-07309-1121-013	Date: 04/19/2020 Time: 1636 Hours
City or Station: Lancaster	Nature of Incident: Deputies attempted to detain a reported armed suspect. The suspect motioned as if he was retrieving a weapon from his pocket a DIS occurred. The suspect was hit in the torso several times.
Location: 1101 West Avenue I, Lancaster, CA 93534	

Location Type (check one or more):
☐ Backyard
☐ Beach
☑ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☐ Street
Other:

Lighting (check only one):
☐ Darkness
☑ Daylight
☐ Other
☐ Street Lights

Weather (circle only one):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 6-10 feet

Incident Type (check one or more):
☐ Accidental
☐ Armed Person
☑ Fleeing Suspect
☑ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☑ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

Initiated by (check only one):
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☑ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (check only one):
☑ Detective
☐ Inmate Transport
☐ Other
☐ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy: 9
Total # of Shots Fired by Suspect: 0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Alburez	Michael	L	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Fratianne	Vincent	L	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Zeko	Adam	F	☑ On Duty ☑ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Deaville	Christopher	T.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Weathers	Charles	W.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Bartlett	Paul	R.

PSTD Use Only

SH # ____________

SH-R-438A (rev. 10/01/15)

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04/19/2020	2000 Hrs		

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	
[redacted]	Maxwell	Michael	L.
[redacted]	Walker	Deryl	T.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
E#1	S#1	FH	SW	9	Y	Y	DH	CH
E#2	S#1	FH	SW	9	Y	Y	DH	CH

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 020-07309-1121-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Alburez	First Name: Michael	M.I.: L.
Sex: M Race: H	Rank: DSG	Unit Assignment: LAN	Work Assignment (Unit #, Module, etc.): 112K
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: Unk	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 511	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: S&W M&P 9	Caliber: 9mm # Shots: 6	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: Fratianne	First Name: Vincent	M.I.: L.
Sex: M Race: W	Rank: DSG	Unit Assignment: LAN	Work Assignment (Unit #, Module, etc.): 111G
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: Unk	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 600	Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: S&W M&P 0	Caliber: 9mm # Shots: 3	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 020-07309-1121-013

Suspect Information

S 1

Last Name: Lugo	First Name: Richard	M.I. S
AKA Last Name: Lugo	First Name: Richie	M.I. Jr
Sex: M Race: W	Street Address: Transient	City: [redacted] State & Zip Code: [redacted]
Work Phone:	Home Phone:	Social Security #:
Driver's License #: [redacted]		
Age: 36 D.O.B. 08-11-83	Height: 509 Weight: 175	FBI # [redacted] CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☑	Coroner Case # 2020-03439	Intoxication/Drug Usage? ☐ Substance Used: Methamphetamine/Aphetamine
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? [redacted]
Vehicle Make Model: Year:	Parole: Yes Probation: No	Prior Felony Conviction: Yes

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make Model: Year:	Parole: Probation:	Prior Felony Conviction:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make Model: Year:	Parole: Probation:	Prior Felony Conviction:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make Model: Year:	Parole: Probation:	Prior Felony Conviction:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	
Lee	Jonathan	A	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	
Aguilar	Daniel	T	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	
Ferrone	Ryan	D	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	
Shelton	Ty	A	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	
Ordaz Escobar	Adan	A	501 W Lancaster Blvd, Lancaster, CA	93534	(661) 948-8466	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty Hit Shooting, Suspect Deceased**
IAB FILE NUMBER:	**SH2507873 / FO2508437**
URN#:	**020-07309-1121-013**
DATE/TIME:	**April 19, 2020, 1630 hours**
LOCATION:	**1101 West Avenue I, Lancaster, California**

SYNOPSIS

On Sunday, April 19, 2020, an Internal Affairs Bureau (IAB) Shooting Response Team comprised of Lieutenant Deryl Walker, #[redacted] Sergeants [redacted] #[redacted] and Michael Maxwell, #[redacted], responded to 1101 West Avenue I, Lancaster, regarding an on-duty hit shooting incident, which involved Lancaster Station Deputies Michael Alburez and Vincent Fratianne. On September 14, 2021, this case was re-assigned to Sergeant Dennis Pogodayev, #[redacted].

Suspect Lugo sustained gunshot wounds to his torso and extremities. He was pronounced deceased at the hospital. No deputies were injured.

Lieutenant Walker verified the Lancaster Station watch commander, Lieutenant Paul Bartlett, #[redacted], took reasonable steps to ensure the involved personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators. Lieutenant Walker also ensured Lieutenant Bartlett knew the involved personnel should not collectively consult with their representatives. Additionally, Lieutenant Walker confirmed Lieutenant Bartlett ensured the involved personnel remained in the company of a supervisor until they provided individual statements to the assigned investigators.

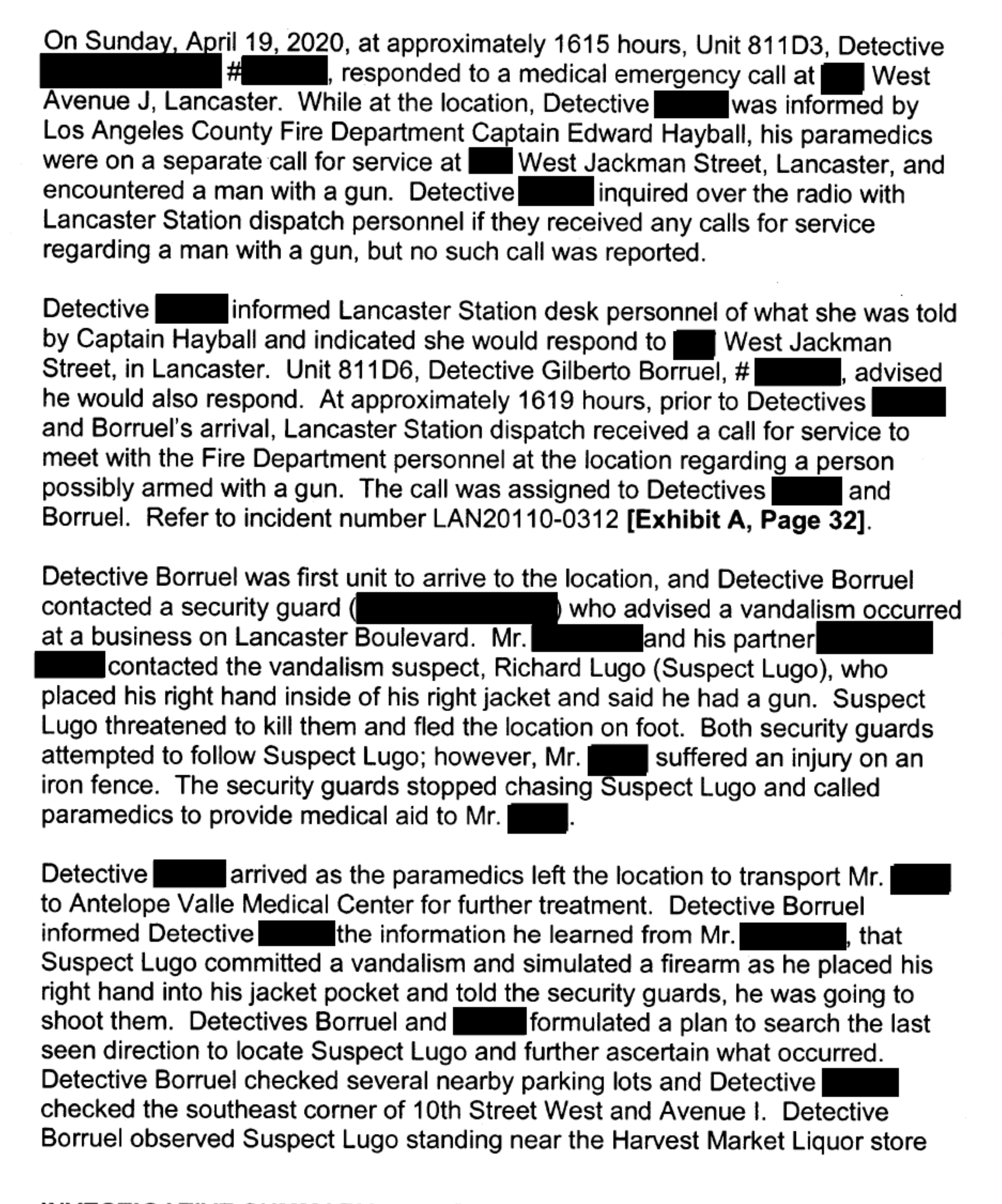
Upon their arrival, IAB investigators learned there was an active command post and containment of the crime scene. Investigators learned of the series of events which culminated in the shooting, which involved Deputies Alburez and Fratianne.

Los Angeles County Sheriff's Department Homicide Bureau Detectives Marc Boisvert, #[redacted] and Scott Matlock, #[redacted], arrived at the scene and assumed control of the investigation. For further information, refer to the

Homicide Bureau case book, under Uniform Report Number (URN) 020-07309-1121-013 **[Exhibit A]**.

The involved deputy personnel were not issued body-worn cameras at the time of the incident.

SUMMARY



On Sunday, April 19, 2020, at approximately 1615 hours, Unit 811D3, Detective [redacted] #[redacted], responded to a medical emergency call at [redacted] West Avenue J, Lancaster. While at the location, Detective [redacted] was informed by Los Angeles County Fire Department Captain Edward Hayball, his paramedics were on a separate call for service at [redacted] West Jackman Street, Lancaster, and encountered a man with a gun. Detective [redacted] inquired over the radio with Lancaster Station dispatch personnel if they received any calls for service regarding a man with a gun, but no such call was reported.

Detective [redacted] informed Lancaster Station desk personnel of what she was told by Captain Hayball and indicated she would respond to [redacted] West Jackman Street, in Lancaster. Unit 811D6, Detective Gilberto Borruel, #[redacted], advised he would also respond. At approximately 1619 hours, prior to Detectives [redacted] and Borruel's arrival, Lancaster Station dispatch received a call for service to meet with the Fire Department personnel at the location regarding a person possibly armed with a gun. The call was assigned to Detectives [redacted] and Borruel. Refer to incident number LAN20110-0312 **[Exhibit A, Page 32]**.

Detective Borruel was first unit to arrive to the location, and Detective Borruel contacted a security guard ([redacted]) who advised a vandalism occurred at a business on Lancaster Boulevard. Mr. [redacted] and his partner [redacted] contacted the vandalism suspect, Richard Lugo (Suspect Lugo), who placed his right hand inside of his right jacket and said he had a gun. Suspect Lugo threatened to kill them and fled the location on foot. Both security guards attempted to follow Suspect Lugo; however, Mr. [redacted] suffered an injury on an iron fence. The security guards stopped chasing Suspect Lugo and called paramedics to provide medical aid to Mr. [redacted].

Detective [redacted] arrived as the paramedics left the location to transport Mr. [redacted] to Antelope Valle Medical Center for further treatment. Detective Borruel informed Detective [redacted] the information he learned from Mr. [redacted], that Suspect Lugo committed a vandalism and simulated a firearm as he placed his right hand into his jacket pocket and told the security guards, he was going to shoot them. Detectives Borruel and [redacted] formulated a plan to search the last seen direction to locate Suspect Lugo and further ascertain what occurred. Detective Borruel checked several nearby parking lots and Detective [redacted] checked the southeast corner of 10th Street West and Avenue I. Detective Borruel observed Suspect Lugo standing near the Harvest Market Liquor store

located at 45232 10th Street West. Detective Borruel advised Detective [redacted] over his handheld radio of Suspect Lugo's location. Detectives [redacted] and Borruel met, car to car, and formulated a plan to contact Suspect Lugo. Detective Borruel drove north along the west side of the parking lot to the Harvest Market Liquor store. Detective [redacted] drove westbound from the eastside of the parking lot. Detective Borruel parked and exited his vehicle as Suspect Lugo exited the liquor store. Detective Borruel walked toward Suspect Lugo to make contact. Detective Borruel was approximately 10 feet away as Suspect Lugo ran across the street to the west curb line. Suspect Lugo faced Detective Borruel, knelt on one knee, and placed his right hand into his right jacket pocket.

Suspect Lugo then walked west through the parking lot and Detective Borruel re-entered his vehicle, drove across the street, and took a position just west of the driveway near a donut shop at 45231 10th Street West. Detective [redacted] took a position to the south just west of the driveway of Gas and Smog, 1007 West Avenue I. Suspect Lugo again knelt on the ground as he faced Detective Borruel with his right hand still in the jacket pocket.

At 1633 hours, Detective Borruel broadcasted emergency radio traffic he was detaining a possible person with a gun at gunpoint at 10 Street West and Avenue I. Suspect Lugo yelled out multiple times he was going to shoot and kill Detectives Borruel and [redacted]. Suspect Lugo motioned as if he racked the slide of a handgun by placing his left hand over a possible object in his right hand, which was inside his right jacket pocket. Detectives Borruel and [redacted] gave multiple verbal commands for Suspect Lugo to show his hands.

Approximately one minute later, Suspect Lugo stood up and ran in a northwest direction toward an alley. Detective Borruel entered his vehicle and followed Suspect Lugo into the alley while Detective [redacted] exited the gas station and drove to the alley where Suspect Lugo was last seen running. As Suspect Lugo reached the alley, he ran west onto a loading dock. As Detective Borruel detained Suspect Lugo at gun point, additional units began to arrive.

IAB Note: There was an uninvolved male transient ([redacted]) on the loading dock. Mr. [redacted] was interviewed by Homicide Sergeant Boskovich and Detective Manfree on April 19, 2020, at approximately 2145 hours. Mr. [redacted] did not observe the use of force or the deputy involved shooting. For further information see Mr. [redacted] homicide interview [Exhibit A, Additional Interviews].

Deputies began to coordinate a containment over the radio in case Suspect Lugo ran. After approximately one-minute, Suspect Lugo jumped off the loading dock and ran west through the alley. Deputies Alburez, Fratianne, [redacted], Ferrone,

Shelton, Lee, and Ordaz initiated a foot pursuit. Suspect Lugo ran approximately 240 feet to the northwest corner of the building and continued in the alley, southbound. The alley was approximately 60 feet wide, and the deputies were able to maintain a visual of Suspect Lugo and did not lose sight as Suspect Lugo turned the corner. Suspect Lugo continued to run for approximately 70 feet. Deputies Fratianne and Alburez closed the distance during the pursuit to approximately 10 feet. As Suspect Lugo stopped, he faced the deputies and refused numerous commands to show his hands, and kept his right hand in his right jacket pocket. Suspect Lugo reached his right hand deeper into his jacket pocket, which caused Deputy [redacted], who was armed with a stun-bag, to fire one round from his stun-bag shotgun.

Suspect Lugo flinched indicating a hit from the stun-bag and Suspect Lugo quickly pulled his right hand out from his jacket pocket. Deputies Fratianne and Alburez believed Suspect Lugo was pulling out his firearm. Deputies Fratianne and Alburez were in fear Suspect Lugo would shoot and kill them or their partners, and they discharged their firearms. Suspect Lugo was struck numerous times and fell to the ground. Deputies made an approach to retrieve any weapons, but none were found on Suspect Lugo or in the immediate vicinity. Deputies began to render medical aid, including Cardiopulmonary Resuscitation (CPR) until the arrival or Los Angeles County Fire Paramedics. Suspect Lugo was transported and pronounced deceased at Antelope Valley Hospital by Doctor Lemus at 1659 hours. While at the hospital, medical staff removed a glass narcotics pipe from Suspect Lugo's clothing. The narcotics pipe and narcotics were booked into evidence by Deputy Amanda Arrieta, #[redacted].

An article search was conducted, and no weapons were located. Deputies were unable to locate any witnesses to the shooting incident.

The foot pursuit lasted approximately 250 feet as measured from the loading dock to the approximate area where the shooting occurred.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Suspect Lugo by Deputies Alburez and Fratianne. In their letter of opinion [**Exhibit B, pages 2-10**], dated November 8, 2021, Head Deputy District Attorney Alan Yochelson concluded both deputies "acted in lawful self-defense and defense of others" when they used deadly force against Suspect Lugo.

INVOLVED PERSONNEL

Michael Alburez, Deputy Sheriff, #[redacted]
North Patrol Division
Lancaster Station

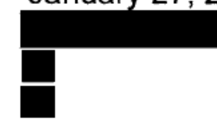
Date of Employment: July 20, 2015
Date Assigned to Patrol/Lancaster Station: October 23, 2016
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Category 3 Force Incidents: [redacted]

Equipment Worn on Person

Class "A" uniform, long sleeve
Sam Browne gun belt containing:
Magazine pouch containing two additional magazines
Handheld flashlight
Pocket knife
Radio holder with portable radio
Two handcuff cases containing handcuffs
Sidearm: Smith & Wesson M&P 9mm 1.0
Taser
Keys
Tourniquet
Oleoresin Capsicum (OC) spray

Fratianne, Vincent, Deputy Sheriff, #[redacted]
North Patrol Division
Lancaster Station

Date of Employment: February 20, 2018
Date Assigned to Patrol/Lancaster Station: January 27, 2019
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Category 3 Force Incidents: [redacted]



Equipment Worn on Person

Class "A" uniform, long sleeve
Ballistic vest
Sam Browne gun belt containing:
Magazine pouch containing two additional magazines
Handheld flashlight
Pocket knife
Radio holder with portable radio
Two handcuff cases containing handcuffs
Sidearm: Smith & Wesson M&P 9mm 1.0
Pr-24 button ring
Taser
Keys

Tourniquet
Oleoresin Capsicum (OC) spray

[redacted] Deputy Sheriff #[redacted]
North Patrol Division
Lancaster Station

Date of Employment: [redacted]
Date Assigned to Patrol/Lancaster Station: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Category 3 Force Incidents: [redacted]



Equipment Worn on Person

Deputy [redacted] was unsure if he wore a Class "A" or "B" uniform
Ballistic vest
Sam Browne gun belt containing:
Magazine pouch containing two additional magazines
Portable radio
Two handcuff cases containing handcuffs
Tourniquet
Sidearm
Taser
Oleoresin Capsicum spray

SUSPECT

Lugo, Richard (Deceased), Male White/36

Male, White, 08/11/1983, 5'09", 175 pounds
Transient
CII #[redacted] MAIN #[redacted], FBI #[redacted], CDL #[redacted]

Suspect Lugo was previously [redacted], [redacted], [redacted] [redacted] [redacted] and [redacted]. Additionally, he was [redacted] and [redacted]. He was on [redacted]

> **IAB Note: A copy of Suspect Lugo's criminal history report is included in this investigative report [Miscellaneous Documents, CCHRS].**

INJURIES

Suspect Lugo, Richard:

Suspect Lugo had multiple gunshot wounds to the chest, left arm, left thigh, and left knee. Refer to Autopsy Report **[Exhibit A, page 112]**.

Involved Employees:
None.

PHYSICAL EVIDENCE

All physical evidence was located and collected under the direction of Homicide Bureau detectives. They were assisted by Lancaster Station Detectives, IAB investigators and LASD, Scientific Services Bureau, Forensic Identification Specialists Jackie Thompson, #[redacted] and Jessica Lian, #[redacted]. For descriptions of the evidence collected and where it was found, see the submitted reports contained within the County of Los Angeles Sheriff's Department Homicide Book **[Exhibit A, pages 84-88]**.

INVESTIGATOR'S OBSERVATIONS

The scene is described in detail by Homicide Bureau Detectives Boisvert and Scott Matlock **[Exhibit A, pages 36-42]**. Their description of the scene was consistent with IAB Investigator's observations. The scene was also photographed by the Sheriff's Crime Lab personnel **[Exhibit F]**.

WEAPON USED BY DEPUTY ALBUREZ

Homicide detectives conducted a round count of Deputy Alburez' firearm and determined he fired six rounds from his Department authorized, 9mm, Smith & Wesson, M&P, semiautomatic pistol, serial number HTJ[redacted]. The pistol was equipped with a tactical light. Homicide Detectives Boisvert and Matlock took possession of Deputy Alburez' firearm, magazines, and the live rounds contained within it. LASD, Scientific Services Bureau, Firearms Identification Section, Senior Criminalist Amanda Davis, #[redacted], examined the firearm and determined it to be functional **[Exhibit A, page 80]**.

Date last qualified: [redacted]
Date last trained with weapon: [redacted]

WEAPON USED BY DEPUTY FRATIANNE

Homicide detectives conducted a round count of Deputy Fratianne's firearm and determined he fired three rounds from his Department authorized, 9mm, Smith & Wesson, M&P, semiautomatic pistol, serial number HTJ[redacted]. Homicide Detectives Boisvert and Matlock took possession of Deputy Fratianne's firearm, magazines, and the live rounds contained within it. LASD, Scientific Services Bureau, Firearms Identification Section, Senior Criminalist Amanda Davis,

#[redacted] examined the firearm and determined it to be functional **[Exhibit A, page 80]**.



Date last qualified: [redacted]
Date last trained with weapon: [redacted]

PROPERTY DAMAGE

Investigators did not discover any damage caused by gunfire.

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation into the shooting was handled by Detectives Boisvert and Matlock of the Los Angeles County Sheriff Department's Homicide Bureau. No charges were filed because Suspect Lugo was deceased.

LIGHTING AND WEATHER CONDITIONS

At the time of the shooting weather conditions were clear and sunny. Shooting occurred shortly after 1630 hours, visibly was good with bright daylight.

RADIO TRANSMISSIONS:

DISPATCH AND LOCAL-TACTICAL (L-TAC) FREQUENCY REVIEW

The following is a review of some of the highlights from the Dispatch 15 and Local-Tactical (L-TAC) Frequency recording, **[Exhibit D/Radio Traffic]**. The recording of the frequencies was archived together as one fluid recording. The below listed times are not precise and were calculated from the timestamp (automated voice) at the beginning of the recording. The SCC dispatcher will be referred to as the PRD (Public Response Dispatcher).

"L-tac-11_041920_1615-1650_hrs" (L-Tac)

16:18 hours

00:14 [redacted]: 10 David you by?

00:17 LAN Dispatcher: Go for 10 David.

00:19 [redacted]: Hey Ma'am, its [redacted] have you gotten any calls from Fire regarding them detaining possible 417 suspect at Jackman?

00:31 LAN Dispatcher: Negative.

00:35 [redacted]: Copy that, I am going to be enroute to 777 West Jackman, supposedly Fire just got word from one of their guys that they are detaining someone.

00:44 LAN Dispatcher: Copy, 777 West Jackman.

00:51 Borruel – Hey [redacted], you have 11… 811-David-6 rolling from the Boulevard and Valley Central Way.

00:59 [redacted] – Copy, yeah, we'll just 911B there. Supposedly they are just detaining this guy. I guess security alerted Fire.

16:20 hours

01:30 LAN Dispatcher – 811-David-3 you by?

01:33 [redacted] – Yeah, go for David-3.

01:36 LAN Dispatcher – We just got a call from Fire, it's going to be tag 312. I'm going to throw it in your box.

01:42 [redacted] – Copy, thank you Ma'am.

01:48 Borruel – Hey Ma'am, can you add 811-Divid-6 to that? I'm also about minutes away.

01:56 LAN Dispatcher – Copy will do.

16:29 hours

03:41 Borruel – Hey [redacted], are you by?

03:44 [redacted] – Yeah, go for [redacted].

03:46 Borruel – Over here to the Britisher parking lot, he might be over here by the liquor store.

03:51 [redacted] – Copy, I'm in route.

16:34 hours

04:18-07:25 Responding units' coordination

"Dispatch_15_041920_1615-1650_hrs" (Main Frequency)

16:20 Hours

00:44 PRD – Lancaster units [redacted] has the handle 911B, possible 417, Fern and Jackman, call received male 25 jumping over a wall, informant advised by security, male possibly chasing unknown person with 417, Fire is 97, tag is 312.

16:22 Hours

02:08 [redacted] – SCC, [redacted], is 97 re 911B possible 417, Fern and Jackman.

02:16 PRD - [redacted], 97 Fern and Jackman re 911B possible 417.

05:20 [redacted] - SCC, [redacted], we are going to Code-4, re 911B at Fern and Jackman, it's going to be Code-4.

05:27 PRD - Lancaster units at the Station, [redacted] advises Code-4, Fern and Jackman re 911B 417, Code-4, Fern and Jackman.

16:33 Hours

07:57 Borruel - 10-33 Give me the patch.

08:59 PRD - 10-33, you are on the patch, go.

08:01 Borruel – 811-D-6 and [redacted] detaining a possible 417 suspect, 918, 10th Street West and Ave I. We are facing westbound, have units 911B, let me get Sam unit and additional units to respond from Ave I and 10th Street West.

08:20 PRD – Units to respond? Detention at gun point, 10th West and I.

08:24 [redacted] – [redacted] 97 now.

PRD – Copy [redacted] is 10-97. Additional units to respond?

08:31 PRD – 17-A, Sam unit?

08:35 Borruel – Hey be advised, he is making simulation with his right hand, refusing to take it out of this pocket. Like he's simulating a weapon.

08:44 PRD – Copy simulation a weapon with his right hand. Sam unit?

08:51 PRD – 113 Sam and 110 Sam… North County Airship 10-6. And once again, detaining 417 suspect at gunpoint, 10th West and I, facing westbound.

16:34 Hours

09:31 [redacted] - Hey, the suspect is running northbound through the parking lot, now westbound.

09:38 PRD – Running northbound though the parking lot. Now are there any units in pursuit?

09:43 [redacted] – Negative.

09:44 PRD – Copy, negative on foot pursuit, do you want a containment?

09:59 Unknow - Which side of the parking lot is he in? Let's get that containment going.

10:06 Borruel – 10th West and Avenue I, he's in the alley, he's in the alley.

10:10 PRD – In the alley, 10th west and I. Unit with the obs, what's the description.

10:13 Unknown – Set up on Gadsden and H-14.

10:20 Unknown – In 2.

10:23 Unknown – Let's get another unit to set up on Genoa and H-14.

10:26 [redacted] – We are detaining the suspect at the rear of the business, in the back.

10:30 PRD – Detaining the suspect, rear of the business. What direction are you facing?

10:41 Air 29 – Air 29, on the frequency, responding from Way Side.

10:46 PRD – Air 29 responding from Way Side. The unit detaining the suspect, what direction are you facing and in rear of which business?

10:54 Borruel – This is 811-D-6, we are going to be detaining still westbound. We are in the alley behind the Dollar Tree. Between 10th West and 13th St West facing westbound.

11:10 Unknown – Let's get a unit on Kingtree and I and Kingtree and H14, 10-37.

11:24 Alburez – SCC, you have three units in foot pursuit, westbound through the alleyway.

11:30 Unknown – Hey, 114 is at the containment.

11:33 PRD – Units in foot pursuit running westbound through the alley.

11:43 Alburez – 998, 998, Deputy involved 998. We are going to be on the west side of the street, of the complex.

11:50 PRD – Status of deputies and suspects on scene?

11:53 Alburez – Suspect is down, all deputies are accounted for right now.

11:55 PRD – Suspect is down, deputies are accounted for.

12:01 Alburez – We are going to be just west of the little market right here. Like City Trends or something like that.

12:07 PRD – Copy west of the market, staging fire. You have a hard 10-20 for fire?

12:14 Alburez – SCC right now we don't have a hard address, it's just on the west tide of the alley way.

12:21 Sgt Zeko – 10 Sam, there are just to the west of the dollar tree. … loading dock, just east of Kingstree.

12:35 PRD – Copy just east of Kingstree.

12:41 UNK – SCC, it will be 1011 East and West Avenue I.

12:48 Alburez - Can we get Fire to stage?

12:50 PRD - Fire is staging, 1011 West Ave I.

12:57 Alburez – Suspect down, all deputies are accounted for, making approach.

13:00 PRD – All deputies are accounted for, only Suspect Lugo down.

16:38 hours

13:26 Unknown- Lancaster 111 responding code.

13:29 SCC Dispatch - 111 responding code.

13:31 110S – 10 Sam, Code-6.

13:34 PRD - 10 Sam code-6.

13:38 PRD – 902R has been advised to stage.

13:42 Unknown – Units coming in, start blocking parking lot for the crime scene.

13:52 110S – 110S is going to be 97 there in seconds.

13:55 Unknown – Let's get another few units to start tapping off that west, southwest portion of the parking lot.

14:05 Sgt Zeko – SCC, 113-Sam, Fire is clear to roll in.

14:10 PRD – 10-4, will advise fire.

14:18 PRD – Advising Fire to roll in.

14:20-22:34 Scene coordination

"Mutual_Aid_1_041920_1645-1900_hrs"

Post incident coordination.

VIDEO SURVEILLANCE FOOTAGE:

Harvest Market liquor store video. The following is a timeline of the footage of the two exterior cameras **[Exhibit E]**.

"XVR_ch14_main_20200419171720_20200419172930.dav-converted"

05:18:22 – Suspect Lugo walked up to the Liquor Store.

05:24:00 – Witness Borruel's Crown Victoria vehicle driving Northbound 10th St from Ave I.

05:24:10 – Witness Borruel' s vehicle pulled into Liquor Store parking lot, past Suspect Lugo standing at the liquor store entry door and eastbound into the parking lot.

05:24:52 – Witness [redacted] Ford Explorer entered parking lot from the south.

05:25:54 – Witness Borruel returned to Liquor Store parking lot and attempts to contact Suspect Lugo.

05:26:30 – Witness [redacted] walked into camera view, westbound Infront of liquor store towards Witness Borruel.

05:26:33 – Suspect Lugo ran from Witness Borruel into the middle of the street and crossed the street into the donut shop driveway.

05:26:44 – Witness [redacted] walked off camera view eastbound from the liquor store.

05:26:45 – Suspect Lugo took a kneeling position in the donut shop driveway.

05:27:10 – Witness [redacted] pulled her vehicle into the liquor store driveway next to Witness Borruel.

05:27:22 – Suspect Lugo stood up began to walk westbound into the parking lot.

05:27:38 – Witness Borruel drove across the street, took position at his open driver's door north of Suspect Lugo.

05:27:42 – Witness [redacted] drove across the street, took position at the front of her vehicle south of Suspect Lugo.

05:28:08 – Suspect Lugo remained west of Witness Borruel and Witness [redacted].

05:28:14 – Black Sport Utility Van (SUV) backed out of a parking stall and drove away.

05:28:53 – Witness Borruel entered his vehicle, drove forward a few feet, stopped, exited, and took a position at his open driver's door.

05:29:00 – Witness [redacted] walked further westbound in the parking lot.

05:29:10 – Suspect Lugo ran northwest from Witness Borruel toward the alley.

05:29:22 – Witness Borruel re-entered his vehicle, followed Suspect Lugo.

05:29:26 – Witness [redacted] re-entered her vehicle, drove southbound behind the Smog shop.

05:29:29 – Video Ended.

XVR_ch16_main_20200419172144_20200419172707.dav-converted [Exhibit E]

02:46:30 – Witness Borruel approached Suspect Lugo.

02:51:00 – Suspect Lugo ran across the street.

03:02:00 – Suspect Lugo kneeled in the driveway.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews, which have been paraphrased for clarification purposes. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions if applicable.

INVOLVED EMPLOYEE STATEMENTS

Deputy Michael Alburez

On April 19, 2020, Deputy Alburez was interviewed at Lancaster Station by Homicide Bureau Detectives Boisvert and Matlock. On July 20, 2022, Deputy Alburez was subsequently interviewed at the IAB office by Sergeants Sara Rodriguez, #[redacted] and Pogodayev. He was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interviews:

On April 19, 2020, Deputy Alburez worked a two-person car, Unit 112K on PM shift, with a partner Deputy Madison Fletcher, #[redacted] Deputy Fletcher was on [redacted] at the time of the incident.

Deputy Alburez was in a downstairs briefing room inside Lancaster Station when he heard emergent radio traffic on the duplex patch that Detective Borruel was detaining a person with a firearm at gunpoint at 10th Street West and Avenue I **[Involved Alburez Homicide Transcript, Page 2]**.

> **IAB Note: The duplex "patch" is a function on a Sheriff's radio channel, minimizing the unnecessary repeating of information from Sheriff's Communication Center dispatchers to field units.**

Deputy Alburez heard over the radio Suspect Lugo simulated he was armed with a firearm. Deputy Alburez did not recall hearing any information about Suspect Lugo possibly having any mental health issues. Deputies Alburez and Fletcher drove their marked black and white Ford Explore to the location. They approached the alley northbound on 10 Street West from Avenue I and turned westbound into the alley. Deputy Alburez parked the patrol car in the alley behind several patrol cars and observed Suspect Lugo detained at gun point by several deputies.

Suspect Lugo was acting erratic, continually moved his hands to and away from his waistband, did not follow commands, and appeared to be under the influence. Suspect Lugo yelled out, "I have a gun," several times **[Involved Alburez Homicide Transcript, Page 4]**. Deputy Alburez could not recall the commands the deputies gave to Suspect Lugo, but recalled he tried to calm Suspect Lugo down and to de-escalate the situation. Deputy Alburez did not give any additional commands to avoid confusing Suspect Lugo. Suspect Lugo jumped off the loading dock platform and ran westbound in the alley. Based on prior radio traffic that Suspect Lugo simulated he had firearm, Suspect Lugo's statement he had a gun, and his erratic behavior, Deputy Alburez believed Suspect Lugo to be a threat to the public. The westbound direction in the alley lead to parking lot of a commercial complex, which contained numerous open and occupied business with employees and customers **[Involved Alburez Homicide Transcript, Page 5]**.

Deputy Alburez initiated a foot pursuit along with several other deputies. Deputy Alburez broadcasted over his portable radio they (deputy personnel) were in a foot pursuit westbound through the alley. Deputy Alburez described he observed Suspect Lugo stumbled and almost fell to the ground when he jumped off the loading dock platform. Deputy Alburez' attention was focused on Suspect Lugo who did not extend out his arms to catch himself. Suspect Lugo kept his arms tucked in close to his body as if he concealed or hid a weapon. As the pursuit neared the corner of the building, Deputy Alburez took a wide turn to avoid losing sight of Suspect Lugo. Suspect Lugo turned and ran southbound at the corner. Suspect Lugo stopped and bladed the right side of the body toward the deputies. Deputies Alburez and Fratianne stopped and were approximately six to ten feet away from Suspect Lugo. Suspect Lugo moved one or both of his hands toward his jacket pockets. Deputy Alburez gave Suspect Lugo several commands to show his hands and to not reach for anything.

Deputy Alburez noticed Suspect Lugo quickly raised his elbow and began to pull his right hand out of his jacket pocket. The movement was rapid, and Deputy Alburez believed Suspect Lugo was about to pull out a firearm. In fear for his and the lives of other deputy personnel, Deputy Alburez had obtained sight picture through his iron sights and fired his firearm from six to ten feet away. His backdrop at the time was east to west concrete wall eight to ten feet high. Deputy Alburez believed he fired two to three rounds. As Suspect Lugo fell and landed on his back on the ground, his hands fell out of his pockets to his sides. As Suspect Lugo still moved, deputies' personnel decided to make an approach to retrieve any weapons and to render medical aid. Deputy Alburez said a ballistic shield was requested but one was not available. Deputy Alburez along with several other deputies approached Suspect Lugo. Deputy Alburez believed he searched Suspect Lugo's left side for weapons, and none were located. He did not recall seeing any visibly wounds on the suspect. Deputies began to provide medical aid until the arrival of Los Angeles County Fire Department Paramedics, who later transported Suspect Lugo from the location.

During the IAB interview, Deputy Alburez was shown an aerial photograph of the incident location for reference. Deputy Alburez was asked to mark the location where he believed the shooting occurred. Refer to aerial photograph **[Exhibit C-1]**. Deputy Alburez estimated the foot pursuit lasted seven to twelve seconds and covered 75 to 100 feet. Deputy Alburez felt there was never a concern with a crossfire as the deputies were positioned in a lose line facing Suspect Lugo.

Deputy Alburez was asked about his pistol grip as photographed by the Crime Lab **[Exhibit F]**. Deputy Alburez said he paid to have a Lancaster Station Logo (diamond shape with letter "LCS") etched into his Department issued Smith & Wesson M&P 1.0 pistol grip. The firearm was later turned into Logistics when he was issued a Smith & Wesson M&P 2.0. Deputy Alburez was not aware of the Department policy pertaining to ornamental pistol grips. Deputy Alburez initialed the two Crime Lab photographs depicting his firearm, **[Exhibit C-2 and C-3]**.

Deputy Arnold Fratianne

On April 20, 2020, Deputy Fratianne was interviewed at Lancaster Station by Homicide Bureau Detectives Boisvert and Matlock. On July 20, 2022, Deputy Fratianne was subsequently interviewed at the IAB office by Sergeants Rodriguez and Pogodayev. Deputy Fratianne was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interviews:

On April 19, 2020, Deputy Fratianne worked a no-call crime suppression car, Unit 111G, on PM shift with a partner, Deputy Ryan Ferrone, #[redacted] Deputy Fratianne heard a call for service to meet with the Fire Department regarding a possible person with a gun. Detectives Borruel and [redacted] were assigned to the call. Sometime later, Deputy Fratianne heard Detective Borruel initiate emergent radio traffic regarding the detention of a person with a gun, who was at gunpoint at 10th Street West and Avenue I. Deputy Fratianne did not hear any information about Suspect Lugo having any mental health issues. Deputies Fratianne and Ferrone responded to the location.

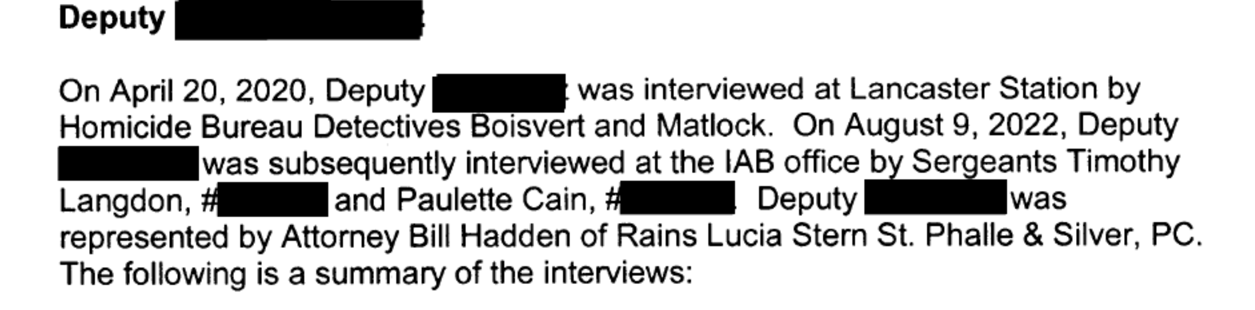
Upon their arrival Deputies Fratianne and Ferrone noticed several deputies detained Suspect Lugo at gunpoint. Suspect Lugo was on a raised platform and refused to follow commands. Suspect Lugo yelled several times he had a firearm **[Involved Employee Fratianne IAB Transcripts, Page 10]**. Suspect Lugo continued to pace back and forth and moved his hands toward his jacket pockets. Suspect Lugo appeared angry, irrational and was possible under the influence of a controlled substance. Suspect Lugo jumped off loading dock platform and ran westbound through the alley. Deputy Fratianne believed Suspect Lugo was armed with a firearm and was headed toward a busy parking lot and highly occupied business. Deputy Alburez looked at Deputy Fratianne and asked if they are going pursue Suspect Lugo. Deputy Fratianne said, "Yes" and they both ran after Suspect Lugo.

IAB Note: During his interview with the Homicide detectives, Deputy Fratianne said he ran parallel to Suspect Lugo. During his interview with IAB Investigators, he clarified he ran in the same direction but behind Suspect Lugo.

Deputy Alburez gave Suspect Lugo multiple commands to stop running and to not reach for anything. Suspect Lugo turned southbound after the corner, stopped, and bladed his body toward the deputies. Deputies were approximately six feet from Suspect Lugo. Deputy Alburez again told Suspect Lugo not to reach for anything. Suspect Lugo quickly placed his right hand into his right jacket pocket and rapidly began to pull his hand out. Deputy Fratianne feared Suspect Lugo was about to pull out a firearm and believed he was going to be shot. Deputy Fratianne had obtained sight picture through his iron sights and believed he fired his duty firearm two to three times from four to six feet away **[Involved Employee Fratianne Homicide Transcripts, Pages 9-10]**. Suspect Lugo fell onto his back, and deputies continued to give commands to Suspect Lugo to keep his hands in sight and to not reach for anything.

Deputy Fratianne said none of the deputies had any cover available to them. They made an approached and took control of Suspect Lugo. Deputy Fratianne maintained his position and covered Suspect Lugo. Other deputies began to render medical aid until the arrival of paramedics.

At the time of the shooting, Deputy Fratianne's backdrop was a brick wall. Deputy Fratianne was shown an aerial photograph of the incident location for reference. Deputy Fratianne was asked to mark the location where he believed the shooting occurred. Refer to aerial photograph **[Exhibit C-4]**. Prior to the shooting, Deputy Fratianne said an unknown deputy had retrieved a stun bag; however, Deputy Fratianne recalled seeing the stun bag deployed at the end of the foot pursuit and did not hear the sun bag announced **[Involved Employee Fratianne IAB Transcripts, Page 21]**. Deputy Fratianne indicated if Suspect Lugo continued to run, he would have stayed in foot pursuit until they had a controlled environment such as containment set up, which would allow the use of less lethal options.



Deputy [redacted]

On April 20, 2020, Deputy [redacted] was interviewed at Lancaster Station by Homicide Bureau Detectives Boisvert and Matlock. On August 9, 2022, Deputy [redacted] was subsequently interviewed at the IAB office by Sergeants Timothy Langdon, #[redacted] and Paulette Cain, #[redacted]. Deputy [redacted] was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interviews:

On April 19, 2022, Deputy [redacted] worked a one-person unit as Unit [redacted]. During the shift, he heard emergent radio traffic that deputies had detained a person armed with a firearm at gunpoint near 10th street West and Avenue I. Deputy [redacted] advised over the radio he was responding "Code-3" with lights and sirens.

IAB Note: "Code-3" is a Los Angeles County Sheriff's Department radio code that indicates to respond with overhead lights and siren, which requires authorization.

There was a lot of radio communication and Deputy [redacted] was not sure if he was acknowledged by the SCC dispatcher. Deputy [redacted] did not hear any information regarding Suspect Lugo suffering from any mental health issues.

Deputy [redacted] said an unknown deputy began to set up a containment and Deputy [redacted] would take a containment position on Avenue H14 and Kingtree Avenue. Prior to his arrival he heard a radio update that Suspect Lugo was detained at gunpoint in the alley behind the businesses, and Suspect Lugo simulated he had a firearm. Deputy [redacted] decided to respond to back-up his partners instead of taking a containment position and drove into the alley westbound from 10st Street West. Deputy [redacted] noticed four to five deputies detained Suspect Lugo at gunpoint on a set of stairs.

Deputy [redacted] was shown an aerial photograph of the incident location for reference. Deputy [redacted] was asked to mark the location where he positioned himself upon arrival. Refer to aerial photograph **[Exhibit C-5]**. Deputy [redacted] retrieved his stun bag shotgun from his trunk and took a position near other deputies approximately 10 to 15 feet away from Suspect Lugo. Deputy [redacted] announced to other deputies he had a stun bag shotgun, but he was unaware of any tactician plan or coordination between the personnel on scene **[Involved Employee [redacted] IAB Transcripts, Page 11]**.

Suspect Lugo ignored commands to remove his hands from his pockets. Deputy [redacted] noticed Suspect Lugo kept his right hand in his jacket or pants pocket. Suspect Lugo jumped of the raised platform and ran westbound through the alley. Deputy [redacted] believed Suspect Lugo ran up another set of stairs or another loading dock, but immediately jumped off and kept running westbound. Deputy [redacted] along with four to five other deputies initiated a foot pursuit. Suspect Lugo turned the corner and continued to run southbound. Deputy [redacted] said when Suspect Lugo jumped over the loading dock guard rail, he fell to on the ground but kept his right hand in his waistband as if he concealed a possible firearm **[Involved Employee [redacted] IAB Transcripts, Page 13]**.

Suspect Lugo stopped as Deputy [redacted] was approximately seven feet away and began to face the deputies. Deputy [redacted] estimated to foot pursuit lasted approximately 20 seconds. Deputy [redacted] did not lose sight of Suspect

Lugo as Suspect Lugo took a wide turn around the corner. Deputy [redacted] was on the left side of the group of deputies who were spread out in a staggered line. Deputy [redacted] saw Suspect Lugo placed his right hand into his waistband or pocket and began to pull his hand back out. Deputy [redacted] believed Suspect Lugo was removing a concealed firearm, he yelled out, "Stun bag" and fired one less lethal round at Suspect Lugo's lower torso. Almost simultaneously, Deputy [redacted] heard approximately five gunshots **[Involved Employee [redacted] Homicide Transcripts, Page 5]**.

Suspect Lugo fell backward, and Deputy [redacted] heard a deputy say personnel should make an approach. The deputies made an approach, and two deputies took control of Suspect Lugo's hands. One of the deputies checked Suspect Lugo's waistband for weapons and Detective Borruel began to render chest compressions. Suspect Lugo was later transported from the location to the hospital. Deputy [redacted] did not have any prior contacts with Suspect Lugo prior to this incident.

WITNESS STATEMENTS

Witness Deputy Jonathan Lee

On April 20, 2020, Deputy Lee was interviewed at Lancaster Station by Homicide Bureau Detectives Boscovich and Manfree. On July 12, 2022, Deputy Lee was subsequently interviewed at Santa Clarita Station by IAB Sergeants Langdon and Pogodayev. The following is a summary of the interviews:

On April 19, 2020, Deputy Lee worked a single person car, Unit 112T1, on PM shift. Deputy Lee was inside the Lancaster Station downstairs briefing room for the daily briefing when he heard emergent radio traffic. Deputy Lee heard Detective's Borruel indicate he had detained a man with a firearm at 10th Street West and Avenue I. Deputy Lee along with other deputies ran from the station, entered his vehicle, SH7835, and transmitted over the radio frequency he was responding "Code-3."

Deputy Lee responded to the location and traveled westbound on Avenue I. While Deputy Lee responded, he heard on the radio Suspect Lugo was uncooperative, had his hands in his pockets, and was making a "racking" motion. Later updated radio traffic indicated Suspect Lugo was in the alley behind the shopping center. Deputy Lee approached and made a northbound turn unto 10th Street West and into a westbound alley. Upon his arrival, Deputy lee observed five to seven patrol vehicles parked in the alley. Deputy Lee observed Suspect Lugo being detained at gunpoint by five deputies. Deputy Lee retrieved his AR-15 rifle from the truck on his patrol car to have an option for longer distance if needed. Deputy Lee walked toward the group of deputies. Suspect Lugo had placed his hands inside his pockets and ignored the deputies' commands **[Witness Lee Homicide Transcripts, Page 7]**.

As Deputy Lee neared the group of deputies, Suspect Lugo started running westbound through the alley. Deputies Lee and Alburez initiated a foot pursuit. As Suspect Lugo ran, he kept his right hand inside his right jacket pocket. Deputy Lee took a wide turn as Suspect Lugo went around the corner to maintain a visual. Deputy Lee estimated at the start of the foot pursuit, he was 40-50 feet away from Suspect Lugo, but Deputy Lee was able to close the distance during the foot pursuit. Suspect Lugo ran an additional 30-50 feet before he turned the corner, suddenly stopped, and faced the pursuing deputies. The deputies stopped approximately 10-15 feet away from Suspect Lugo. Deputy Lee estimated the foot pursuit lasted approximately 200 feet.

Deputies Lee and Alburez ordered Suspect Lugo to show his hands. Suspect Lugo kept his right hand in his jacket pocket. Deputy Lee decided to transition to his Taser. Deputy Lee lowered his AR-15 rifle and attempted to locate his Taser on his leg with his left hand. Deputy Lee looked down at his belt to locate the Taser and heard a "pop." Suspect Lugo curled over and placed his hand further into his pocket and appeared to retrieve something. Deputy Lee believed Suspect Lugo tried to retrieve a gun to shoot him and his partners. Deputy Lee began to bring his rifle back up, but before he was able to re-acquire his sights, he heard several gun shots and Suspect Lugo fell to the ground **[Witness Lee Homicide Transcripts, Page 10]**.

Deputy Lee said if he had not attempted to draw his taser, he would have fired his firearm at Suspect Lugo as well **[Witness Lee IAB Transcripts, Page 18]**. Deputy Lee and other deputies approached Suspect Lugo to secure any weapons and to render medical aid. Deputy Lee saw Suspect Lugo's left hand moved down to his lower body. Deputy Lee first pushed Suspect Lugo's left hand away from his torso, then held his hands. Deputies searched Suspect Lugo for weapons. Another deputy took control of Suspect Lugo's left hand. Deputy Lee secured his AR-15 rifle in his vehicle and retrieved his first aid kit and gave it to another deputy to render aid.

Witness Deputy Daniel Aguilar

On April 20, 2020, Deputy Agular was interviewed at Lancaster Station by Homicide Bureau Detectives Boisvert and Matlock. On July 20, 2022, Deputy Aguilar was subsequently interviewed at IAB by Sergeants Rodriguez, and Pogodayev. Deputy Aguilar was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interviews:

On April 19, 2020, Deputy Aguilar worked a single person car, Unit 111H, on PM shift. While around Elm Avenue and Avenue J2, Deputy Aguilar heard an emergent radio assistance request regarding Detective Borruel detaining a man with a firearm at gunpoint. Deputy Aguilar responded to the assistance request "Code-3." Deputy Aguilar did not recall if he asked for authorization for the

“Code-3” response. Detective Borruel voiced Suspect Lugo simulated a firearm in his jacket’s pocket and was pointing it at him **[Witness Aguilar IAB Transcripts, Page 9]**.

Deputy Aguilar entered the parking lot and drove into the alleyway through the accessway between two buildings. Deputy Aguilar observed Suspect Lugo on top of a loading dock in the alley. Deputy Aguilar heard deputies give Suspect Lugo commands to take his hands out of his pockets and lay on the ground. Suspect Lugo ignored their commands and kept both hands in his jacket pockets. Suspect Lugo jumped off the loading dock and began to run westbound. Approximately six deputies initiated a foot pursuit. Deputy Aguilar entered another deputy’s patrol vehicle and drove behind the pursuing deputies. Suspect Lugo turned the corner southbound, and the deputies followed. Once Deputy Aguilar turned the corner, Suspect Lugo had stopped, and the deputies detained him at gunpoint.

Deputy Aguilar parked, exited the patrol vehicle, and as he began to draw his firearm, Deputy Aguilar heard approximately eight to ten gunshots. Suspect Lugo fell onto his back. Deputy Aguilar remained at the vehicle as deputies made an approach and started to provide Suspect Lugo with medical aid. Deputy Aguilar later assisted by tapping off the crime scene.

During the IAB interview Deputy Aguilar was shown an aerial photograph of the incident location for reference. Deputy Aguilar was asked to mark the location where he believed the shooting occurred. Refer to aerial photograph **[Exhibit C-6]**.

Witness Deputy Ryan Ferrone

On April 19, 2020, Deputy Ferrone was interviewed at Lancaster Station by Homicide Bureau Sergeant Boskovich and Detective Manfree. On August 3, 2022, Deputy Ferrone was subsequently interviewed at the IAB office by Sergeants Tory Rodriquez, #[redacted] and Pogodayev. Deputy Ferrone was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interviews:

On April 19, 2020, Deputy Ferrone worked a two-person car, Unit 111G, on PM shift with Deputy Fratianne. Deputies Ferrone and Fratianne heard emergent radio traffic voiced by Detective Borruel regarding the detention of a person with a firearm, at gunpoint. Deputies Ferrone and Fratianne responded to the location. They entered the rear alley through the accessway between the two buildings. Upon arrival, Deputy Ferrone observed Detective Borruel had detained Suspect Lugo at gun point. Deputy Ferrone utilized large metal trash bin for cover **[Witness Ferrone IAB Transcripts, Page 8]**.

Deputy Ferrone and other deputies gave multiple commands for Suspect Lugo to get his hands out of his pockets. Suspect Lugo placed one hand over another and simulated manipulating or "cocking a weapon" **[Witness Ferrone Homicide Transcripts, Page 8]**. Suspect Lugo jumped over the railing of the loading dock and ran westbound through the alley. Multiple deputies including Deputy Ferrone initiated a foot pursuit. Deputy Alburez broadcasted they were in a foot pursuit over the radio. Suspect Lugo kept his right hand in his right jacket pocket as he ran. Suspect Lugo turned the corner and after approximately 10 yards, Suspect Lugo stopped, and turned around toward the deputies. Suspect Lugo kept his right hand in his pocket and simulated a firearm. Suspect Lugo said, "I am going to kill you," several times. Deputy Ferrone estimated deputies were approximately six feet away from Suspect Lugo when he stopped. Deputy Ferrone said he holstered his firearm when he began to run, and he retrieved his firearm when he stopped.

An unknow deputy (Later identified as Deputy [redacted]) brought a stun bag shotgun, fired once, which struck Suspect Lugo, and he reacted by flinching. Suspect Lugo reached deeper in his pocket and began to quickly pull his hand out. Deputy Ferrone heard six to eight gunshots and saw Suspect Lugo fall backward. Deputy Ferrone said it happened too quickly and he did not recall gearing stung bag deployment announced. Deputy Ferrone and other deputies made an approach to check for weapons and to render medial aid. Fire Department personnel were requested. Deputy Ferrone assisted by searching for shell casings.

During the IAB interview Deputy Ferrone was shown an aerial photograph of the incident location for reference. Deputy Ferron was asked to mark the location where he believed the shooting occurred. Refer to aerial photograph **[Exhibit C-7]**.

Witness Deputy Ty Shelton

On April 19, 2020, Deputy Shelton was interviewed at Lancaster Station by Homicide Bureau Sergeant Boskovich and Detective Manfree. On August 4, 2022, Deputy Shelton was subsequently interviewed at IAB by Sergeants Cain and Pogodayev. The following is a summary of the interviews:

On April 19, 2020, Deputy Shelton worked a one-person car, Unit 111D, on PM shift. While in the station briefing room, Deputy Shelton heard emergent radio traffic. Detective Borruel broadcasted they (Detective Borruel and [redacted]) detained a person with a firearm at gunpoint, and Suspect Lugo had simulated he had a firearm and had walked away from the deputies. Deputy Shelton and other deputies responded to 10th Street West and Avenue I in the alley behind the "Dollar Tree" business. Deputy Shelton observed Suspect Lugo standing on top of a loading dock. Suspect Lugo had his right hand inside his right jacket pocket. Deputy Shelton was next to Detective [redacted] and Sergeant Zeko who

formulated a plan to utilize a ballistic shield in an even they needed to approach **[Witness Shelton IAB Transcripts, Page 9]**.

Shortly after Deputy Shelton's arrival, Suspect Lugo ran westbound thought the alley. Deputy Shelton and other deputies initiated a foot pursuit. Suspect Lugo reached the corner and turned southbound. Deputy Shelton maintained a visual on Suspect Lugo during the turn by running wide and to the northside of the alley. Deputy Shelton did not personally voice over the radio that he was in a foot pursuit and did not recall hearing any radio traffic regarding foot pursuit. He said almost the entire shift personnel were present at the location. Deputy Shelton said Suspect Lugo's left hand moved freely, but his right hand stayed in his right jacket pocket, which led him to believe Suspect Lugo had a concealed firearm. Suspect Lugo ran approximately 60 feet from the corner and stopped. An unknown deputy gave orders for Suspect Lugo to stop and to show his hands. Suspect Lugo ignored the commands to show his hand and appeared to be irate. After approximately 20 seconds and unknown deputy yelled out and announced, "stun bag" **[Witness Shelton Homicide Transcripts, Page 8]**. Deputy Shelton heard a "pop," and Suspect Lugo flinched and turned to his right and quickly removed his hand from his pocket. Deputy Shelton heard approximately five to six-gunshots, and Suspect Lugo fell to the ground.

Deputy Shelton asked Detective [redacted] to position her radio car; therefore, it could be used as cover. Detective [redacted] brought her vehicle to their location. Deputy Shelton approached Suspect Lugo's right side, placed his knee over Suspect Lugo's right arm, searched his right side for weapons, and began checking for gunshot wounds. Deputies provided medical aid. Fire Department personnel arrived and later transported Suspect Lugo to the hospital. Deputy Shelton assisted by locating the shell casings.

Deputy Shelton was concerned about the deputy's position at the end of the foot pursuit. Deputy Shelton felt the deputies were too staggered, one in front of another, and not all the deputies could fire safely in an event they had to use their firearm **[Witness Shelton IAB Transcripts, Page 29]**.

During the IAB interview Deputy Shelton was shown an aerial photograph of the incident location for reference. Deputy Shelton was asked to mark his position upon arrival and the location where he believed the shooting occurred. Refer to aerial photograph **[Exhibit C-8]**.

Witness Deputy Adan Ordaz Escobar

On April 10, 2020, Deputy Ordaz was interviewed at Lancaster Station by Homicide Bureau Detective Manfree. Deputy Ordaz was represented by Michael Schwartz of Rains Lucia Stern St. Phalle & Silver, PC. IAB Investigators attempted to conduct a follow-up interview; however, Deputy Ordaz had resigned from the Department on May 15, 2022, and on August 3, 2022, he declined to

participate in a voluntary interview. Deputy Ordaz said he provided a statement to Homicide Detectives on the night of the incident. The following is a summary of the Homicide interview:

Deputy Ordaz worked a one-person car, Unit 111B, on PM shift. While Deputy Ordaz was inside the Lancaster Station downstairs briefing room, he heard emergent traffic over the loudspeaker. Deputy Ordaz ran to his vehicle and responded to 10th Street West and Avenue I regarding the detention of a person with a firearm. Deputy Ordaz advised Lancaster Station desk personnel over the radio he was responding "Code-3." Deputy Ordaz arrived at the location and entered the alley from 10th Street West. Deputy Ordaz saw approximately three patrol vehicles already at the location. Deputies were giving commands to two individuals on a raised loading dock. One of the individuals ran westbound through the alley. As Suspect Lugo ran thought the alley, he kept his left hand inside his sweater simulating a firearm **[Witness Ordaz Homicide Transcripts, Page 5]**.

Deputy Ordaz along with other deputies initiated a foot pursuit. After Suspect Lugo turned southbound after the corner he stumbled and stopped. Suspect Lugo reached into his waistband. Deputy Ordaz believed Suspect Lugo was about to arm himself and Deputy Ordaz "took out the slack" from his firearm trigger but did not fire because he did not have a good shot **[Witness Ordaz Homicide Transcripts, Pages 6-7]**. Deputy Ordaz heard what he believed to be a stun bag shotgun being employed and four to six gunshots. Deputy Ordaz said Deputy Alburez stood to his right and had fired his firearm. Deputy Ordaz along with other deputy personnel made an approach to render the scene safe. He searched Suspect Lugo's waistband and ankle area for weapons. Other deputies rendered ais as Deputy Ordaz later assisted by securing the scene.

Witness Detective Gilberto Borruel

On April 20, 2020, Detective Borruel was interviewed at Lancaster Station by Homicide Bureau Detectives Boisvert and Matlock. Detective Borruel was represented by Attorney William Hadden from the law office of Rains, Lucia, and Stern. On April 27, 2022, Deputy Borruel was subsequently interviewed at Lancaster Station by IAB Sergeants Adrian Guillen, #[redacted] and Pogodayev. The following is a summary of the interviews:

On April 19, 2022, Detective Borruel worked a one-person unit, Unit 811D6, on PM shift. During the shift, Detective Borruel heard Detective [redacted] asked Lancaster Station Dispatcher on "L-Tac" if they had received a call regarding Fire Department personnel requesting help regarding a person with a firearm near 777 Jackman Street. Detective Borruel was near the location, and he transmitted he would respond.

IAB Note: L-TAC is a local tactical channel assigned to a station(s).

This channel is used for tactical coordination within a station area for units to communicate with one another.

Prior to Detective Borruel's arrival, Lancaster Station Dispatcher personnel advised over "L-Tac," they received a call and entered it as "Meet with Fire, possible 417" (person with a gun). Informant (Los Angeles County Fire Department) stated, security guards at the location (Fern Avenue/Jackman Street) said a male 25 years old was possibly chasing unknown person with a firearm. The call was assigned to Detective [redacted] as the primary and Detective Borruel as the assisting unit. Upon Detective Borruel's arrival, Los Angeles County Fire Engine #33 personnel were at the location. Detective Borruel contacted a security guard ([redacted]) who relayed the following:

Mr. [redacted] said his partner ([redacted]) chased a vandalism suspect (Suspect Lugo) who was a local transient that broke a window of a business. While chasing Suspect Lugo, Mr. [redacted] climbed over a fence and injured his foot. Mr. [redacted] told Detective Borruel when he approached Suspect Lugo, Suspect Lugo put his hand into his jacket pocket and waived it around and said, "Get away, get back or I am going to shoot you." Mr. [redacted] never saw a firearm but observed a shape of a gun **[Witness Borruel Homicide Transcripts, Page 3]**.

Detective [redacted] arrived at the location as Detective Borruel finished getting Suspect Lugo's description and ascertained the last seen direction to be northbound 10th Street West toward Avenue I. Detective Borruel checked the parking lots of the northeast corner as Detective [redacted] checked the southeast corner of 10th Street West and Avenue I. Detective Borruel observed a male who matched Suspect Lugo's description standing next to "Harvest Market Liquor" store. Detective Borruel advised Detective [redacted] over the "L-Tac" radio frequency of his observation.

Detectives Borruel and [redacted] met car to car and decided to make contact. Detective Borruel attempted to point Suspect Lugo out to Detective [redacted] but Suspect Lugo was longer in front of the liquor store. Detective Borruel drove up to the "Harvest Market Liquor" store parking lot as Detective [redacted] drove up westbound from the east side of the parking lot to check for Suspect Lugo. As Detective Borruel parked his vehicle, Suspect Lugo exited the liquor store. Detective Borruel called out to Suspect Lugo to come to him, but Suspect Lugo replied, "Fuck you!" As Detective Borruel approached Suspect Lugo, Suspect Lugo dropped some papers from his hand, moved his right hand toward his waistband, turned, and ran westbound across the street **[Witness Borruel Homicide Transcripts, Pages 5-6]**. Suspect Lugo kept his right arm in his pocket as he ran across the street.

Detective Borruel drove across the street and took a position just west of the driveway near a donut shop as Detective [redacted] took a position to the south just

west of the driveway of a gas station. Suspect Lugo kneeled on the ground as he faced Detective Borruel with his right hand still in the jacket pocket, and it appeared Suspect Lugo held an unknown object that simulated a firearm. Detective Borruel broadcasted emergency radio traffic he and Detective [redacted] had detained a possible person with a firearm at gunpoint.

Suspect Lugo began to yell he would shoot and kill personnel as Suspect Lugo held an unknown object with his right hand in his right jacket pocket. Detective Borruel gave multiple commands for Suspect Lugo to show his hands. Suspect took his left hand and placed it over his right hand, which was still in his right jacket pocket and moved his left hand as if he chambered a round into the firearm. Detective Borruel believed he was in life threatening situation with Suspect Lugo. Detective Borruel began to pull the trigger of his firearm. Detective Borruel saw an occupied SUV as his backdrop and released the trigger. Detectives Borruel and [redacted] yelled for the driver to move. Suspect stood up and ran westbound toward an alley accessway between two buildings **[Witness Borruel Homicide Transcripts, Page 9]**.

Detective [redacted] broadcasted Suspect Lugo's direction on the radio. Detective Borruel re-entered his vehicle and followed Suspect Lugo into the alley. While in the alley, Detective Borruel heard multiple vehicle's sirens and knew back-up was seconds away. Deputy Borruel momentarily lost sight of Suspect Lugo as he was 25-30 yards behind Suspect Lugo and believed other units already traveled westbound in the alley that had a visual on Suspect Lugo. As Detective Borruel reached the alley and detained Suspect Lugo at gunpoint, who was on top of a loading dock platform, he noticed patrol vehicles approached from the east end of the alley, and other patrol vehicle approached through the alleyway access between the buildings **[Witness Borruel IAB Transcripts, Page 17]**.

Detective Borruel broadcasted over the radio he was detaining Suspect Lugo at gun point in an alley. There was an uninvolved male transient on the loading dock west of Suspect Lugo. Detective Borruel gave multiple commands for Suspect Lugo to show his hands. Suspect Lugo kept his hands in his jacket pocket simulating a firearm. Multiple deputies gave commands to Suspect Lugo to show his hands; however, he ignored their commands. Suspect Lugo yelled something, but Detective Borruel could not make out what was said. Suspect Lugo jumped off the platform and ran westbound in the alley. Suspect Lugo jumped on top of something else but immediately jumped off and continued to run west. As Detective Borruel returned to his vehicle to follow, he saw five to six deputies in foot pursuit of Suspect Lugo and heard on the radio deputies were in foot pursuit.

Detective Borruel drove westbound to the corner and stopped his patrol vehicle. As he exited the vehicle, Detective Borruel heard six to eight gunshots. Detective Borruel looked up and saw Suspect Lugo wobbled and fell backward to the ground **[Witness Borruel Homicide Transcripts, Page 10]**.

Several deputies approached Suspect Lugo. There was communication between the deputies as they approached. Personnel advised each other not to get too close. Detective Borruel decided they needed to render medical aid; therefore, Detective Borruel and two other deputies approached, and someone checked Suspect Lugo's waistband for weapons. Two deputies held onto Suspect Lugo's arms as Detective Borruel began chest compressions. Los Angeles County Fire Department personnel arrived on scene at took over medical aid. Deputy personnel began to secure the scene and marked casings on the ground.

During the Homicide interview of Detective Borruel, he referred to Suspect Lugo as "918." Detective Borruel additionally broadcasted "918" during his initial emergent radio traffic.

IAB Note: "918" is a Los Angeles County Sheriff's Department radio code to identity individuals suffering from mental health issues.

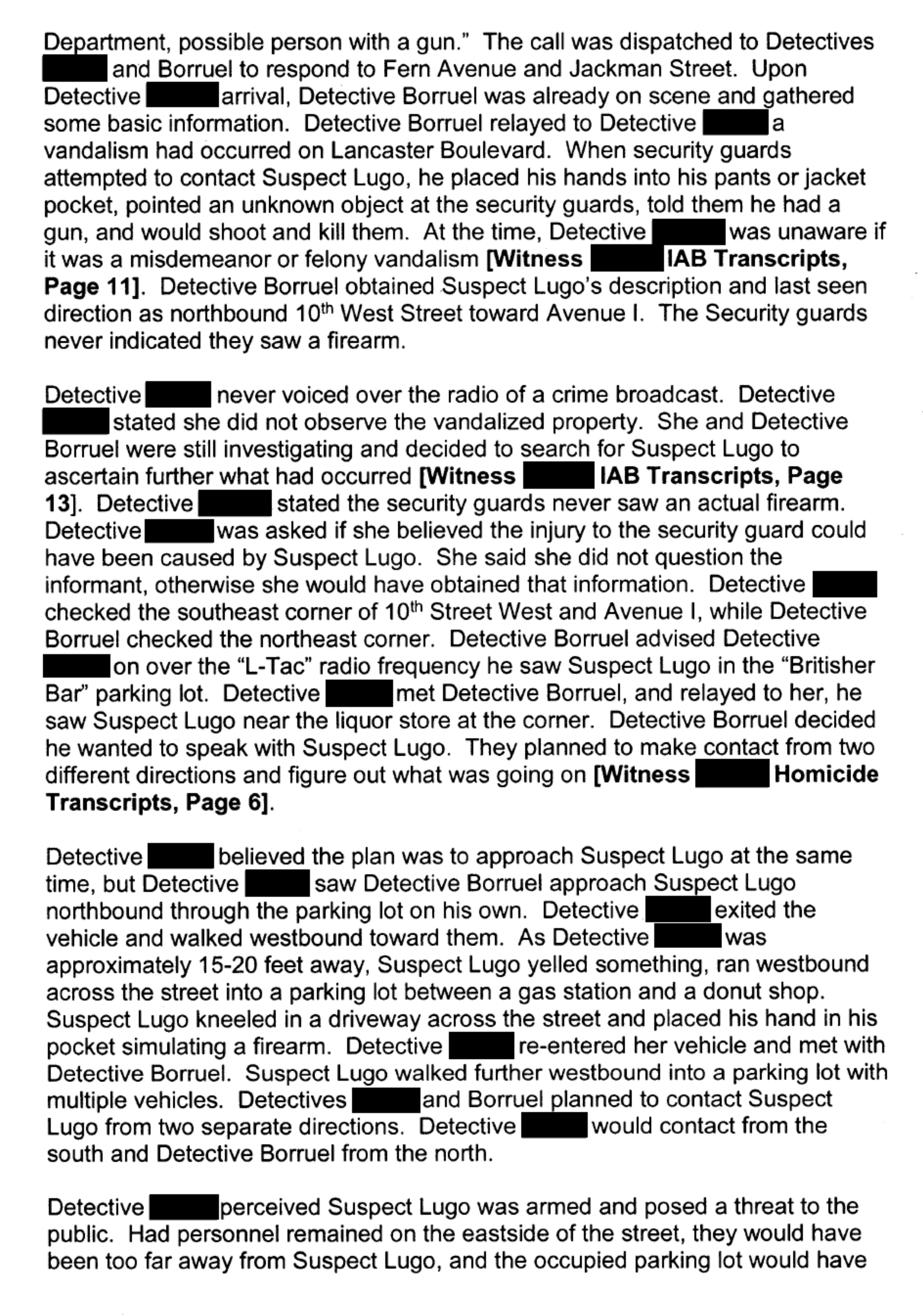
During the IAB interview, Detective Borruel did not recall any information from the security guards regarding Suspect Lugo suffering from any mental health issues. The incident happened and evolved rapidly and there was not enough time to evaluate Suspect Lugo and/or request the Department's Mental Health Evaluation Team.

Witness Detective [redacted]

On April 20, 2020, Detective [redacted] was interviewed at Lancaster Station by Homicide Bureau Detective Manfree, #[redacted]. Detective [redacted] was represented by Attorney Michael Schwartz from the law office of Rains, Lucia, and Stern. On July 12, 2022, Detective [redacted] was subsequently interviewed at the Sherman Block Building by IAB investigators Sergeants Francois Chang, #[redacted], and Pogodayev. The following is a summary of the interviews:

Detective [redacted] worked a single person unit, Unit [redacted], on PM shift. Detective [redacted] responded to a medical emergency call at [redacted] West Avenue J, Lancaster. While at the location, Detective [redacted] spoke to Los Angeles County Fire Department Captain Edward Hayball. Captain Hayball informed Detective [redacted], other Fire Department personnel were detaining a man armed with a firearm at 777 West Jackman St, Lancaster. Detective [redacted] asked Lancaster Station dispatcher over the radio if they received any calls related to the detention of a person with a firearm. Station dispatch personnel advised over the radio no calls were received.

Detective [redacted] informed Lancaster Station dispatch personnel over the radio she would respond, and Detective Borruel advised he would also respond. At approximately 1619 hours, prior to their arrival at the location, Lancaster Station dispatch personnel received a phone call and dispatched to, "Meet with Fire

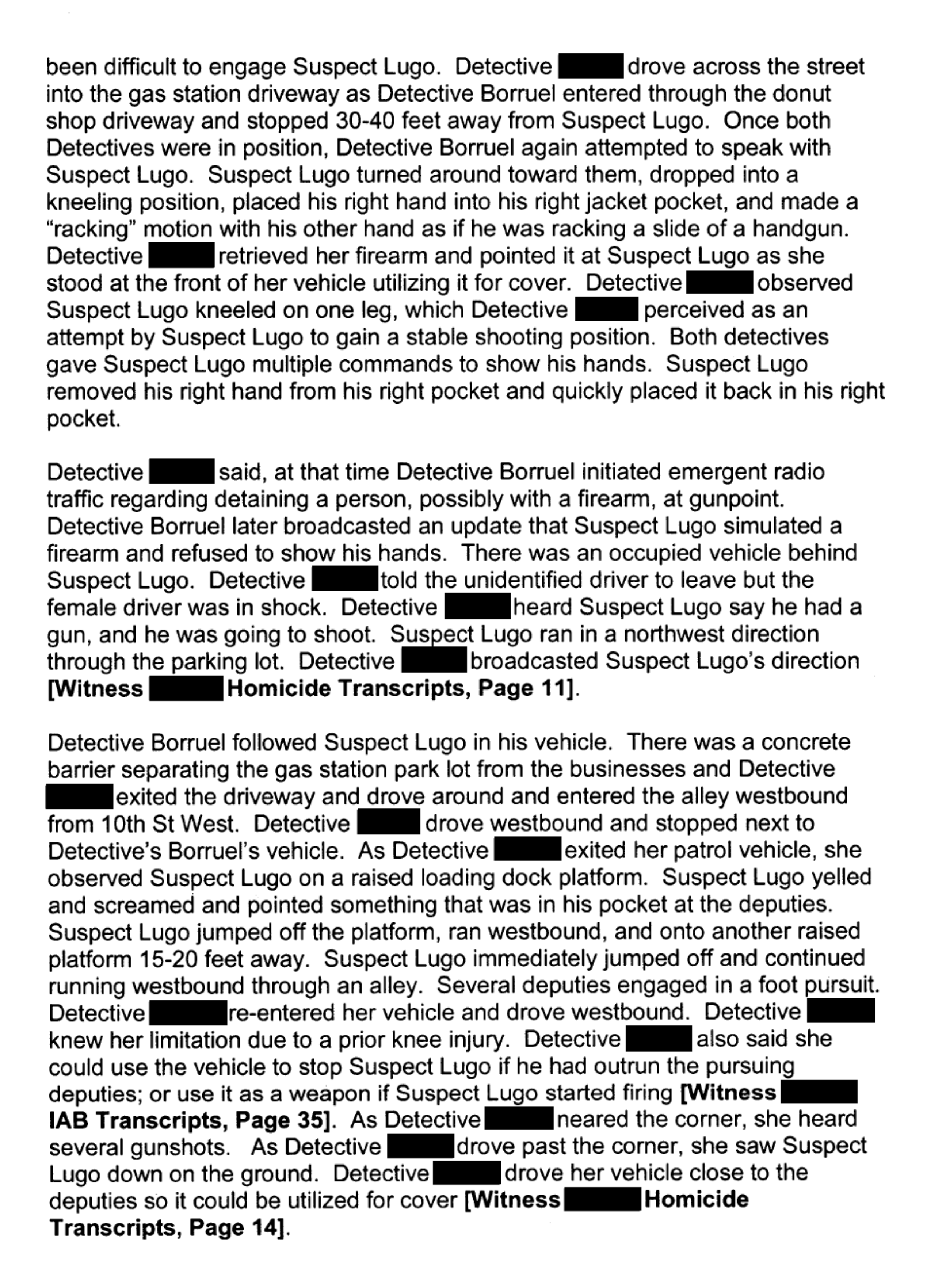


Department, possible person with a gun." The call was dispatched to Detectives [redacted] and Borruel to respond to Fern Avenue and Jackman Street. Upon Detective [redacted] arrival, Detective Borruel was already on scene and gathered some basic information. Detective Borruel relayed to Detective [redacted] a vandalism had occurred on Lancaster Boulevard. When security guards attempted to contact Suspect Lugo, he placed his hands into his pants or jacket pocket, pointed an unknown object at the security guards, told them he had a gun, and would shoot and kill them. At the time, Detective [redacted] was unaware if it was a misdemeanor or felony vandalism **[Witness [redacted] IAB Transcripts, Page 11]**. Detective Borruel obtained Suspect Lugo's description and last seen direction as northbound 10th West Street toward Avenue I. The Security guards never indicated they saw a firearm.

Detective [redacted] never voiced over the radio of a crime broadcast. Detective [redacted] stated she did not observe the vandalized property. She and Detective Borruel were still investigating and decided to search for Suspect Lugo to ascertain further what had occurred **[Witness [redacted] IAB Transcripts, Page 13]**. Detective [redacted] stated the security guards never saw an actual firearm. Detective [redacted] was asked if she believed the injury to the security guard could have been caused by Suspect Lugo. She said she did not question the informant, otherwise she would have obtained that information. Detective [redacted] checked the southeast corner of 10th Street West and Avenue I, while Detective Borruel checked the northeast corner. Detective Borruel advised Detective [redacted] on over the "L-Tac" radio frequency he saw Suspect Lugo in the "Britisher Bar" parking lot. Detective [redacted] met Detective Borruel, and relayed to her, he saw Suspect Lugo near the liquor store at the corner. Detective Borruel decided he wanted to speak with Suspect Lugo. They planned to make contact from two different directions and figure out what was going on **[Witness [redacted] Homicide Transcripts, Page 6]**.

Detective [redacted] believed the plan was to approach Suspect Lugo at the same time, but Detective [redacted] saw Detective Borruel approach Suspect Lugo northbound through the parking lot on his own. Detective [redacted] exited the vehicle and walked westbound toward them. As Detective [redacted] was approximately 15-20 feet away, Suspect Lugo yelled something, ran westbound across the street into a parking lot between a gas station and a donut shop. Suspect Lugo kneeled in a driveway across the street and placed his hand in his pocket simulating a firearm. Detective [redacted] re-entered her vehicle and met with Detective Borruel. Suspect Lugo walked further westbound into a parking lot with multiple vehicles. Detectives [redacted] and Borruel planned to contact Suspect Lugo from two separate directions. Detective [redacted] would contact from the south and Detective Borruel from the north.

Detective [redacted] perceived Suspect Lugo was armed and posed a threat to the public. Had personnel remained on the eastside of the street, they would have been too far away from Suspect Lugo, and the occupied parking lot would have



been difficult to engage Suspect Lugo. Detective [redacted] drove across the street into the gas station driveway as Detective Borruel entered through the donut shop driveway and stopped 30-40 feet away from Suspect Lugo. Once both Detectives were in position, Detective Borruel again attempted to speak with Suspect Lugo. Suspect Lugo turned around toward them, dropped into a kneeling position, placed his right hand into his right jacket pocket, and made a "racking" motion with his other hand as if he was racking a slide of a handgun. Detective [redacted] retrieved her firearm and pointed it at Suspect Lugo as she stood at the front of her vehicle utilizing it for cover. Detective [redacted] observed Suspect Lugo kneeled on one leg, which Detective [redacted] perceived as an attempt by Suspect Lugo to gain a stable shooting position. Both detectives gave Suspect Lugo multiple commands to show his hands. Suspect Lugo removed his right hand from his right pocket and quickly placed it back in his right pocket.

Detective [redacted] said, at that time Detective Borruel initiated emergent radio traffic regarding detaining a person, possibly with a firearm, at gunpoint. Detective Borruel later broadcasted an update that Suspect Lugo simulated a firearm and refused to show his hands. There was an occupied vehicle behind Suspect Lugo. Detective [redacted] told the unidentified driver to leave but the female driver was in shock. Detective [redacted] heard Suspect Lugo say he had a gun, and he was going to shoot. Suspect Lugo ran in a northwest direction through the parking lot. Detective [redacted] broadcasted Suspect Lugo's direction **[Witness [redacted] Homicide Transcripts, Page 11]**.

Detective Borruel followed Suspect Lugo in his vehicle. There was a concrete barrier separating the gas station park lot from the businesses and Detective [redacted] exited the driveway and drove around and entered the alley westbound from 10th St West. Detective [redacted] drove westbound and stopped next to Detective's Borruel's vehicle. As Detective [redacted] exited her patrol vehicle, she observed Suspect Lugo on a raised loading dock platform. Suspect Lugo yelled and screamed and pointed something that was in his pocket at the deputies. Suspect Lugo jumped off the platform, ran westbound, and onto another raised platform 15-20 feet away. Suspect Lugo immediately jumped off and continued running westbound through an alley. Several deputies engaged in a foot pursuit. Detective [redacted] re-entered her vehicle and drove westbound. Detective [redacted] knew her limitation due to a prior knee injury. Detective [redacted] also said she could use the vehicle to stop Suspect Lugo if he had outrun the pursuing deputies; or use it as a weapon if Suspect Lugo started firing **[Witness [redacted] IAB Transcripts, Page 35]**. As Detective [redacted] neared the corner, she heard several gunshots. As Detective [redacted] drove past the corner, she saw Suspect Lugo down on the ground. Detective [redacted] drove her vehicle close to the deputies so it could be utilized for cover **[Witness [redacted] Homicide Transcripts, Page 14]**.

Deputies made an approach and searched Suspect Lugo's waistband. Deputies began to provide medical aid. Segreant Zeko organized a group of deputies to conduct an article search of Suspect Lugo's travel. No weapons were found. Los Angeles County Fire Department paramedics arrived and transported Suspect Lugo to the hospital.

Witness Sergeant Adam Zeko

On April 19, 2020, Sergeant Zeko was interviewed at Lancaster Station by Homicide Bureau Sergeant Boskovich and Detective Manfree. On May 12, 2022, Sergeant Zeko was subsequently interviewed at IAB by Sergeants Chang and Pogodayev. Sergeant Zeko was represented by Attorney Mitch Kander of Law Offices of Charles Goldwasser. The following is a summary of the interviews:

On April 19, 2020, Sergeant Zeko was assigned as Unit 113S on PM shift. Sergeant Zeko was one of two field sergeants. Segreant Christopher Deaville, #[redacted], was assigned at Unit 110S. Sergeant Zeko was in the station briefing room when he heard emergent radio traffic regarding Detective Borruel detaining a person with a firearm at 10th Street West and Avenue I. Sergeant Zeko along with numerous units responded from the station. Sherriff's Communication Center (SCC) Dispatcher requested a supervisor to respond, Sergeant Zeko broadcasted he would respond "Code-3" to the location. The location was approximately one mile from the station. Sergeant Zeko entered the westbound alleyway from 10th Street West. There were approximately five units at the location upon his arrival.

Sergeant Zeko parked his vehicle in the alley and walked toward the deputies. Sergeant Zeko observed another unrelated person (Mr. [redacted]) wearing a blue shirt on top of a raised platform. Sergeant Zeko observed several deputies in a line or a semicircle facing southwest direction toward the building. Segreant Zeko saw Suspect Lugo run westbound through the alley. The deputies initiated a foot pursuit, Sergeant Zeko directed them to advise over the radio they were in foot pursuit and deputies broadcasted they were in foot pursuit over the SCC radio frequency. Sergeant Zeko returned to his vehicle to follow the deputies and Suspect Lugo. Sergeant Zeko said the sergeant's vehicle was an effective way to close the distance to the deputies and additionally the sergeant's vehicle was usually equipped with additional less lethal options. As Sergeant Zeko began to drive westbound in the alley, he heard six to nine gunshots. Sergeant Zeko estimated the foot pursuit lasted approximately 30 seconds. As Sergeant Zeko continued to drive and turned the corner, he observed the deputies, "fanned out" left to right from a patrol vehicle. Suspect Lugo was laying down on the ground. Deputies momentarily paused to make an approach plan. Sergeant Zeko told them he would retrieve a ballistic shield; however, when he checked his vehicle; he could not locate it **[Witness Zeko Homicide Transcripts, Page 7]**.

Sergeant Zeko indicated Lancaster Station had three sergeant's vehicles and the shield might have been moved to another vehicle on a prior shift. Sergeant Zeko usually checked the sergeant's vehicle for equipment at the start of the shift **[Witness Zeko IAB Transcripts, Page 17]**.

Sergeant Zeko made a decision to approach and render the scene safe. Deputies controlled Suspect Lugo's hands and checked his pockets and waistband for weapons, as Deputies requested paramedics. Sergeant Zeko directed the deputies to render medical aid. Sergeant Zeko picked up Deputy [redacted] stun bag, which was laying on the ground six feet away from Suspect Lugo and secured in a patrol vehicle. American Medical Response (AMR) ambulance personnel arrived first, followed by Los Angeles County Fire Department Paramedic Squad 33, and Fire Engine 33. Paramedics began to provide medical aid and later transported Suspect Lugo to the hospital.

Sergeant Zeko directed deputies to conduct an article search to locate a possible weapon; however, no weapons were found **[Witness Zeko IAB Transcripts, Page 21]**. Sergeant Zeko also directed deputies to contact the other male on loading dock. Sergeant Zeko was later advised which deputies used force. Sergeant Zeko asked and was told of the direction the rounds were fired. Sergeant Zeko believed the shooters' backdrop was a large ten-foot-high wall. The deputies checked nearby business for victims or bullet impacts, and none were found.

Witness Deputy James Cuoco

Homicide Detectives Boisvert and Matlock additionally interviewed Deputy Cuoco. Deputy Cuoco worked a one-person car, Unit 111T1, on PM shift. Deputy Cuoco responded to the location but did not observe the Deputy Involved Shooting. Refer to the Homicide Book for their summary of the interview **[Exhibit A, page 234].**

Witness Deputy Madison Fletcher

Homicide Detectives Boisvert and Matlock interviewed Deputy Fletcher. Deputy Fletcher worked a two-person car, Unit 112K, on PM shift, with a partner Deputy Alburez. Deputy Fletcher responded to the location but did not observe the Deputy Involved Shooting. Refer to the Homicide Book for their summary of the interview **[Exhibit A, page 256].**

ADDITIONAL INFORMATION

The following civilians were interviewed by Homicide investigators, **[Exhibit A, Homicide Book and Audio Interviews]**.

[redacted]

Homicide Detectives Boisvert and Matlock interviewed [redacted]. Mr. [redacted] was an [redacted] with "[redacted]," a company contracted by the city of Lancaster to provide security services. Mr. [redacted] and his partner Mr. [redacted] attempted to contact Suspect Lugo regarding a vandalism investigation. Mr. [redacted] sustained an injury while following Suspect Lugo. Refer to the Homicide Book for their summary of the interview **[Exhibit A, page 133].**

Witness [redacted]

Homicide Detectives Boisvert and Matlock interviewed [redacted]. Mr. [redacted] was an [redacted] with "[redacted]" a company contracted by the city of Lancaster to provide security services. Mr. [redacted] and his partner Mr. [redacted] attempted to contact Suspect Lugo regarding a vandalism investigation. Refer to the Homicide Book for their summary of the interview [**Exhibit A, page 219].**

[redacted]

Homicide Sergeant Boskovich and Detective Manfree interviewed [redacted]. Mr. [redacted] was the uninvolved male on top of the loading dock near Suspect Lugo in the alley. Mr. [redacted] did not observe the Deputy Involved Shooting. For further see interview transcripts/audio on **[Exhibit A, Additional Interviews]**.

Fire Captain McLaughlin

On April 20, 2020, Homicide Sergeant Boskovich interviewed Los Angeles County Fire Captain McLaughlin at Fire Station 33. On April 19, 2020, Captain McLaughlin was working on Quint 33. He responded to 777 Jackman Street, Lancaster, regarding a Lancaster city security guard, Mr. [redacted], who sustained an injury. While in the back of the ambulance, Mr. [redacted] told Captain McLaughlin he was impaled on a fence while dealing with a homeless man armed with a firearm who fled from the location. Captain McLaughlin notified Los Angeles County Fire Dispatch and they requested deputies to his location. Deputies arrived prior to Captain McLaughlin leaving the location. For further information, refer to interview audio on **[Audios and Transcripts Disk]**.

<u>SUSPECT STATEMENT</u>

Suspect Lugo was deceased.